

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/DOA-2017-02426  
**Application Name:** RaceTrac Market  
**Control No.:** 2012-00253  
**Applicant:** Racetrac Petroleum, Inc.  
**Owners:** Racetrac Petroleum, Inc.  
**Agent:** WGINC - Chad Riddle  
**Telephone No.:** (561) 687-2220  
**Project Manager:** Carlos Torres, Senior Site Planner

**TITLE:** a Type II Variance **REQUEST:** to allow a 24-hour operation within 250 feet of a residential Future Land Use designation or Use. **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Site Plan; add building square footage and pump/fueling position; and, modify Conditions of Approval (Engineering, Landscape and Site Design).

**APPLICATION SUMMARY:** Proposed are a Type II Variance (ZV) and a Development Order Amendment (DOA) for the Race Tract Market development. The 1.71-acre site was originally approved by the Board of County Commissioners on August 29, 2013, for a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District, with a Conditional Overlay Zone (COZ), and a Class A Conditional Use to allow a Convenience Store with Gas Sales. The site is currently undeveloped.

The Applicant is proposing a DOA to reconfigure the Preliminary Site Plan (PSP) to increase the Convenience Store from 2,822 square feet (sq. ft) to a 5,411 sq. ft. (+ 2,589 sq. ft.), with add a 704 sq. ft. outdoor dining area, and increase the number of pumps from 5 pumps/10 fueling positions to 6 pumps/12 fueling positions. In addition, the Applicant is requesting a Type 2 Variance to allow for 24 hour operation within 250 feet of a residential Future Land Use designation or use.

The Preliminary Site Plan indicates a 5,411 sq. ft. Convenience Store with Gas sales with a 704 sq. ft. of outdoor dining area, a 5,125 sq. ft. canopy with 6 pumps/12 fueling positions, 36 parking spaces, and two access points (one from Haverhill Road via Rasmussen Way, and one from Lantana Road).

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 22.

**SITE DATA:**

<b>Location:</b>	Northwest corner of Haverhill Road and Lantana Road.
Property Control Number(s)	00-42-44-35-24-001-0000; 023-0000
Existing Future Land Use Designation:	Commercial Low (CL)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Community Commercial District (CC)
Proposed Zoning District:	No Change
Total Acreage:	1.71 acres
Affected Acreage:	1.71 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Atlantis, Greenacres
Future Annexation Area	Greenacres, Lantana

**RECOMMENDATION:** Staff recommends approval of the requests subject to 7 Conditions of Approval as indicated on Exhibit C-1, and 19 Conditions of Approvals as indicated in Exhibit C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 1 phone call from the public regarding this project in opposition.

**PROJECT HISTORY:**

The subject site is currently vacant and undeveloped. The site was previously approved by the BCC on August 29, 2013 (R-2013-1071 and R-2013-02085) for a rezoning from the Agricultural Residential (AR) Zoning District to a Community Commercial (CC) Zoning District, with a Conditional Overlay Zone (COZ), and a Class A Conditional Use to allow a Convenience Store with Gas Sales.

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Commercial Low, with an underlying MR-5 (CL/5)  
 Zoning District: Single-Family Residential District (RS)  
 Supporting: Vacant (Rasmussen Residential, Control No 2012-580)

**SOUTH:**

FLU Designation: Low Residential 3 (LR-3)  
 Zoning District: Planned Unit Development (PUD)  
 Supporting: Multifamily Residential (Condominiums at Courtney Park, Control No 1987-00112)

**EAST:**

FLU Designation: Commercial Low, (CL)  
 Zoning District: Multiple Use Planned Development District (MUPD)  
 Supporting: Vacant(Lantana Plaza, Control No 2003-099)

**WEST:**

FLU Designation: Commercial Low, with an underlying IND (CL/IND)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Commercial (Able Lawnmover, Control No 1982-053)

**TYPE II VARIANCE SUMMARY**

ULDC Article	Required	Proposed	Variance
5.E.5.A, Proximity to Residential [Related to Hours of Operation]	Hours of operation for Commercial Uses limited to: 6:00 a.m. to 11:00 p.m., when located within 250 feet of parcel with a residential FLU or use.	To allow 24 hour operations (7 days per week).	+ seven hours (between 11:00 p.m. to 6:00 a.m. daily).

**FINDINGS:**

Type 2 Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

**V-1 YES:** Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning

district. The ULDC requires that measurements shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure or bay housing the non-residential use.

The subject site is within 250 of two properties with Residential FLU designation, Zoning or use.

The subject site, 80 foot ROW for Rasmussen Way and property to the North were all originally one parcel of land. The property to the north is vacant with a CL/5 FLU designation, and was rezoned to the Single Family Residential (RS) Zoning District within the same timeframe as the rezoning of the subject site. While residential was originally contemplated, and may still occur, applications to amend the FLU designation and Zoning to Industrial were recently submitted, which reflects the similar Industrial amendments which were approved for the Able parcel to the west.

The property to the south (Condominiums at Courtney Park) is separated by Lantana Road, a 150 feet R.O.W., is zoned Single Residential (RS) with a Low Residential FLU designation, and supports eight Multifamily buildings. The distance from the perimeter of the residential district to the Canopy of the Gas Station is 239 feet and to the Convenience Store is approximately 390 feet. In addition to the separation provided by Lantana Road, the 20 foot R.O.W on and a 20 feet R.O.W Buffer along the Courtney Park frontage serves to provide additional separation and screening.

The abutting property to the west supports industrial and accessory commercial uses, and the property to the east across Haverhill Road has a CL FLU designation.

**2. Special circumstances and conditions do not result from the actions of the Applicant:**

**V-1 Yes:** Special circumstances and conditions do result from the actions of the Applicant and is a result of the Applicant's request as the Applicant is requesting additional hours of operation within 250 ft. of a residential use. However, the use is separated by a 150 foot R.O.W across Lantana Road to the south and an 80 foot R.O.W buffer, separating the project from the Rasmussen Residential on the north. A proposed 20 foot Landscape buffer along the south property line of the proposed development, an existing 20 foot Landscape buffer on the Residential Development and the 150 foot R.O.W. buffer provide sufficient protection from any potential impact the Proposed development may have upon the property to the south. As to the north the lot is vacant and separated by a 80 foot R.O.W and proposed buffers on both properties provide protection from any potential impact from the proposed development.

**3. Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:**

**V-1 Yes:** Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district. The increase in Hours of operation should not impact the residential districts as the residences are across a 150 foot and a 80 foot R.O.W and protected by their required buffers.

**4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:**

**V-1 Yes:** The literal interpretation of the Code would create an unnecessary and undue hardship on the Applicant. Enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district that are not restricted by the special circumstances that constrain that limit the Hours of operation.

**5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. The Applicant wishes to extend the hours of operation from 11:00 pm. To 6:00 am (24 hours operation). The granting of the variance is the minimum variance possible.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**V-1 Yes:** Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code. The intention of Code by establishing a minimum requirement for distance separation is to protect the Residential uses from the potential impact of Commercial developments. The property is separated by a Lantana Road 150 foot R.O.W and an application is in process to allow an Official Zoning Map amendment from Single Residential Zoning (RS) District to Light Industrial Zoning (IL) District. The proposed development meets the intent of the Code.

7. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**V-1 Yes:** Staff does not anticipate the extended hours of operation will be injurious to the public welfare as the residential uses to the south of the property is separated by a 150 foot R.O.W. for Lantana Road and to north by a 80 foot R.O.W for Rasmussen Road. Ave. In addition, the existing Landscape Buffer on the South property and the proposed buffers will provide additional protection from any potential impact. The variance would not be injurious to the area involved.

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**FINDINGS:**

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Prior Land Use Amendment: The site was the subject of a previous Land Use amendment known as Raceway Market, LGA-2013-001 (Ord. 2013-008), which amended the land use from Medium residential 5 units per acre (MR-5) to Commercial Low (CL) with no conditions.

Intensity: The maximum Floor Area Ratio (FAR) of .20 is allowed for non-PDD project with a CL FLU designation in the Urban Suburban Tier (1.71 acres x 43,560 square feet x .20 maximum FAR = 14,897.52 square feet maximum). The request for a total of 6,115 square feet equates to a FAR of approximately 0.08 (6,115 / 74,487.6 square feet or 1.71 acres = 0.082).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The property is located within The Treasure Coast Regional Planning Council Greenacres, Atlantis, and Palm Beach County Charrette Report area. The study was initiated by the Board of County Commissioners in 2004 in response to “community concerns over proposed housing projects in rural areas”. The report identifies the north side of the intersection of Haverhill Road and Lantana Road as a potential commercial node for mixed-use development. The request is generally consistent with the study area recommendations. The Agent met with the City of Greenacres Planning Staff on February 14, 2018. At that time, the City staff had concerns about the previous comments made at the original approval hearing and supported maintaining conditions of approval of the original BCC approval. No written objections or concerns have been received from The City of Greenacres or The City of Atlantis to date.

**2. Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

- Property Development Regulations: The subject site was previously found to be in compliance with minimum property development regulations when previously rezoned to the Community Commercial Zoning district. No modifications are proposed which would require additional review to the original determination.
- Architectural Review: The proposed use is subject to ULDC Art. 5.C.1, Architectural Guidelines. The Preliminary Architectural Elevations dated December 10, 2018 (Figure 6) comply with these standards.
- Parking and Loading: A total of 27 parking spaces and one loading zone are required. The PSP indicates a total of 36 parking spaces and one loading zone.\
- Access: There are two access points, one on Lantana Road and one connecting to Haverhill Road via Rasmussen Way. A sidewalk connection is shown from the Convenience Store to Haverhill Road, and Staff is recommending a Condition of Approval to retain the sidewalk connection to Lantana Road that was shown on the previously approved Site Plan. The Applicant revised the previously approved Site Plan to remove the sidewalk and add parking associated with increased square footage for the Convenience Store. Pedestrian connectivity is typically required from all abutting roadways to mitigate the potential for pedestrian/vehicular conflicts, where pedestrians are likely to utilize vehicular use areas when such is the shortest path to a desired destination. The addition of parking on the west side of the main access way further increases the need for the subject sidewalk, to mitigate potential adverse pedestrian/vehicular interaction from drivers parking along the west side of the subject site.
- Landscape/Buffering: The Preliminary Site Plan indicates the following; a 20 ft. ROW Buffer along Lantana Road, with a 5 ft. easement overlap, a 20 ft. R.O.W Buffer along Haverhill with a 5 ft. easement overlap, and a 15 ft. R.O.W Buffer along Rasmussen Road with a 5 ft. easement overlap. In addition, the PSP indicates a 5 ft. Incompatibility Buffer along the west property line. These buffers are in compliance with the Landscape Buffer requirements established under ULDC Supplement 22.

**3. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed amendment is compatible and consistent with uses and character of the land surrounding and in the vicinity of the land proposed for development. The site has a previous approval for a Convenience Store with Gas Sales (aka Retail Gas and Fuel Sales with Convenience Store) dated back to May 14, 2014. Since then several parcels surrounding the subject site and its vicinity have gone through modifications, including a Future Land Use Atlas (FLUA) amendment and rezoning to Industrial for the property to the west of the subject site, that makes this site even more compatible than when was originally approved. In addition, a FLUA amendment Application was recently filed to request Industrial for the parcel to the north across Rasmussen Way.

**4. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The general design does not differ much from the previously Approved Site Plan in terms of the Convenience Store Building and Canopy location. In terms of the proposed Architectural Elevations the approved Elevations are also similar in terms of Architectural vocabulary, materials and color to the originally approved Elevations and the proposed Canopy complies with the required Architectural Review Condition of Approval number 2 as well as Sign Condition # 1 (R-2013-1072) which limits the height of the Canopy and location of Signs.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site supports an existing single-family home. There are not significant amounts of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use or amendment will result in a logical, orderly and timely development pattern. The proposal does not significantly alter the previously approved use. With the increase in floor area and number of pumps the Applicant is seeking to increase its capacity of service to reflect the changing adjacent neighborhood patterns along Lantana Road. After analyzing the proposed amendments Staff agrees that the increase in square footage for the Retail Gas and Fuel Sales building and the increase in pumps/point of service from 5/10 to 6/12 will not have a negative impact and will maintain logical, orderly and timely development pattern.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

**TRAFFIC IMPACTS**

The proposed 12 Pump Gas Station and 5,411 SF Convenience Store development is expected to generate 1,279 daily, 89 AM, and 88 PM peak hour trips. The anticipated build out date is 2021.

There are no roadway improvements required to meet the Traffic Performance Standards.

The Property Owner shall restripe the existing northbound left-turn lane at the intersection of Haverhill Road and Lantana Road to extend the turn-lane to provide the necessary storage length to properly accommodate the forecasted demand, or as approved by the County Engineer.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Segment: Haverhill Road from Melaleuca Lane to Lantana Road

Existing count: Northbound=676, Southbound=668

Background growth: Northbound=135, Southbound=119

Project Trips: Northbound=0, Southbound=31

Total Traffic: Northbound=800, Southbound=818

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS "D" capacity: 1,960 per direction

Projected level of service: LOS D in each direction

Segment: Lantana Road from Myers Road to Haverhill Road

Existing count: Eastbound=1,656, Westbound=1,764

Background growth: Eastbound=318, Westbound=356

Project Trips: Eastbound=11, Westbound=33

Total Traffic: Eastbound=1,985, Westbound=2,153

Present laneage: 3 in each direction  
Assured laneage: 3 in each direction  
LOS "D" capacity: 2,940 per direction  
Projected level of service: LOS D in each direction

The Property Owner shall obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall construct a right turn lane into the project entrance on Lantana Road prior to the issuance of the Certificate of Occupancy.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the Florida Department of Health's requirements.

FIRE PROTECTION:

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

**8. Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The proposed amendment is based on an already approved Plan. With this request, the Applicant is looking to adapt the already approved use to the new trends in the Gas Retail and Fuel Business by providing a wider variety of goods such as freshly prepared food and services to their patrons.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change; therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

## CONDITIONS OF APPROVAL

### Exhibit C-1 – Type 2 Variance - Concurrent

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 10, 2018. 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)

#### VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA-2017-02426. (ONGOING: MONITORING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT: BUILDING DIVISION - Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

## CONDITIONS OF APPROVAL

### Exhibit C-2 - Development Order Amendment

#### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

The approved Preliminary Site Plan is dated June 13, 2013. 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.

#### Is hereby amended to read:

The approved Preliminary Site Plan is dated December 10, 2018. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-1072 (Control 2012-00253), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Convenience Store with Gas Sales and the Gas Canopy 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. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2013-1072, Control No.2012-00253)

2. Gas station canopy shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy, and;
- c. lighting for the gas station canopy shall be recessed. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2013-1072, Control No.2012-00253)

#### ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

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, 2014. 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-Eng) (DATE: MONITORING - Engineering)
- b. No Building Permits for the site may be issued until the Property Owner makes a proportionate share payment the Palm Beach County Board of County Commissioners to pay for its proportionate share of the required improvement to widen Haverhill Road from a 2-lane roadway to a 4-lane divided roadway from Lantana Road to Lake Worth Road. The proportionate share payment shall be 1.67% of the total cost to construct the additional southbound lane. The amount of the proportionate share payment shall be \$41,237 if submitted prior to October 1, 2013. Otherwise the amount shall be

recalculated at the time of payment based on the best estimate of the total cost of the required improvement as approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

**Is hereby amended to read:**

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, 2021. 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-Eng) (DATE: MONITORING - Engineering)

b. No Building Permits for the site may be issued until the Property Owner makes a proportionate share payment the Palm Beach County Board of County Commissioners to pay for its proportionate share of the required improvement to widen Haverhill Road from a 2-lane roadway to a 4-lane divided roadway from Lantana Road to Lake Worth Road. The proportionate share payment shall be 1.67% of the total cost to construct the additional southbound lane. The amount of the proportionate share payment shall be \$41,237 if submitted prior to October 1, 2013. Otherwise the amount shall be recalculated at the time of payment based on the best estimate of the total cost of the required improvement as approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

2. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road between Haverhill Road and the project's entrance road.

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall include a 40 foot corner clip at the intersection of Lantana Road and Haverhill Road. This additional right of way shall be free of all encumbrances and encroachments. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2013-1072, Control No.2012-00253)

3. The Property Owner shall construct:

i. A right turn lane on Lantana Road from Haverhill Road west to the Project's Lantana Road access to be consistent with Palm Beach County standards for a 110 foot right of way Thoroughfare plan street.

ii. An internal non-plan collector road from Haverhill Road to its terminus to be consistent with Palm Beach County standards for an 80 foot right of way non-plan collector street and to provide access to subdivided lots.

This construction shall be concurrent with the paving and drainage improvements for 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, design, utility relocations, signal modification, and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first Building Permit, permits required for improvements identified above shall be obtained from Palm Beach County. (BLDGPMT: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction of the improvements identified above shall be completed . (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2013-1072, Control No.2012-00253)

4. Prior to issuance of the first building permit the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code and the approved subdivision plan.. Permit-Monitoring-Eng. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2013-1071, Control No.2012-00253)

5. 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)

6. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the drainage easement shown in conflict with the proposed structures. (BLDGPM: MONITORING - Engineering)

7. The Property Owner shall restripe the left turn storage lane south approach on Haverhill Road at Lantana Road to 310 feet in length, or as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

#### **ENVIRONMENTAL**

1. A Phase II Environmental Audit for the subject site, shall be submitted to the Department of Environmental Resources Management prior to DRO Site Plan Approval. (DRO:ERM-ERM) (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2013-1072, Control No.2012-00253)

#### **LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

Concurrent with the Final Approval by the Development Review Officer, the Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval. The ALP and/or supporting documents shall demonstrate that all preserved vegetation meets or exceeds the Unified Land Development Code requirements. Native vegetation may be relocated to the buffers to meet the minimum requirements of the Code. The ALP shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

A minimum of Eighty (80) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

a. tree height: fourteen (14) feet; and,

b. credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement]

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

The Alternative Landscape Plan shall incorporate the following:

- a. A tree survey that depicts the location and size of all trees on site before clearing;
- b. All trees not preserved within the buffers shall be mitigated as required by Article 7 of the Code;
- c. All pines shall be planted in clusters of five (5) to seven (7) pines;
- d. Pine heights shall range from a minimum of six (6) feet to sixteen (16) feet at installation; and,
- e. credit may be given for existing native trees provided they meet current Unified Land Development Code requirements. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement]

#### **LANDSCAPE - INTERIOR**

4. Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

Prior to Final Approval by the Development Review Officer, the Alternative Landscape Plan shall include the following:

- a. Ten (10) additional native trees shall be planted in a naturalistic design along the banks of the detention area;
- b. The subject trees shall meet the minimum standards for Interior trees as defined by the Code but shall not be included in the minimum require Interior tree count. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Must comply with code.]

#### **LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINE (FRONTAGE OF LANTANA ROAD AND HAVERHILL ROAD)**

5. Landscaping and buffering along the south and east property line shall be upgraded to include:  
a. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line; and,  
b. one (1) palm (Royal Palm) for each thirty (30) linear feet of the property line. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2013-1072, Control No.2012-00253)

#### **LANDSCAPE - PRESERVATION OF VEGETATION**

4. Prior to the issuance of any Building Permit(s) the Property Owner shall submit a Site Plan, with a Tree Disposition Chart for review and approval. All Vegetation that are subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Site Plan and the Tree Disposition Chart, per Technical Manual, Title 4). The Plan(s) shall show:

- a) the temporary and permanent locations for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c) the above requirements (a and b) shall be updated in the Tree Disposition Chart; and,
- d) a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation. (BLDGPM: ZONING - Zoning)

#### **SIGNS**

1. Signage on the Gas Canopy shall be limited to the following:

- a. a maximum of 1 (one) canopy sign on the Lantana Road side and 1 (one) canopy sign on the Haverhill Road side of the canopy only;
- b. the gas station canopy signage shall be included within the maximum wall signage calculation allowed for the Convenience Store. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2013-1072, Control No.2012-00253)

#### **SITE DESIGN**

1. Previous SITE DESIGN Condition 1 of Resolution R-2013-1072, Control No.2012-00253, which currently states:

Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate the total number of gas pumps limited to a maximum of five (6) pumps with each pump having up to two (2) fueling stations each. (ONGOING: MONITORING - Zoning)

**Is hereby deleted.** [REASON: Applicant requested to increase the number of pumps with this application.]

2. Prior to Final Approval by the Development Review Officer, the Preliminary Site Plan Plan shall be revised to show a pedestrian access along the west side of the parking area connecting Lantana Road sidewalk to the proposed Gas and Fuel Sales and Convenience Store Building. (DRO: ZONING - Zoning)

**USE LIMITATIONS**

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: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS - CONVENIENCE STORE Condition 1 of Resolution R-2013-1072, Control No.2012-00253)

**USE LIMITATIONS**

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2013-1072, Control No.2012-00253)

**DISCLOSURE**

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

Figure 1 - Land Use Map

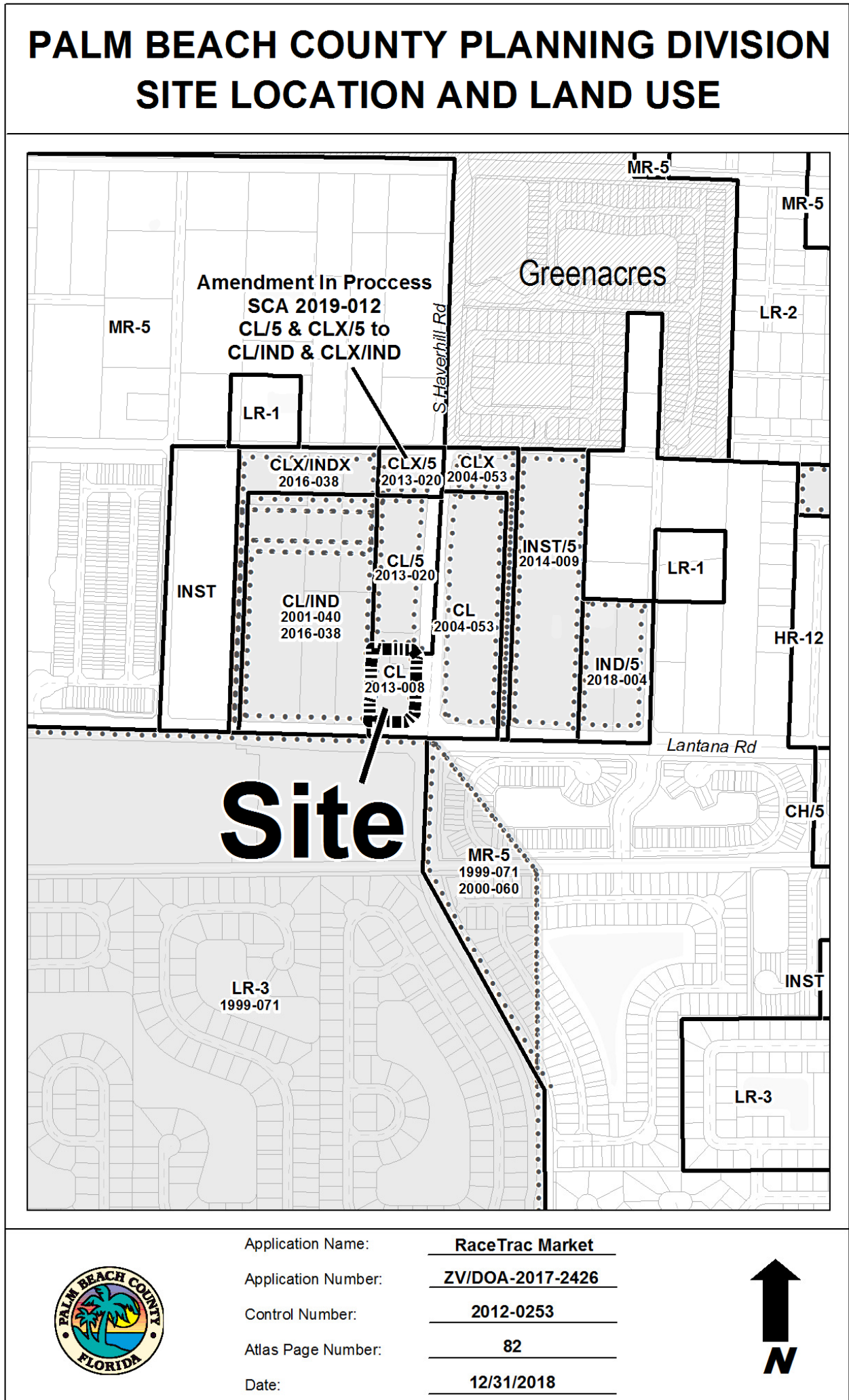


Figure 2 - Zoning Map

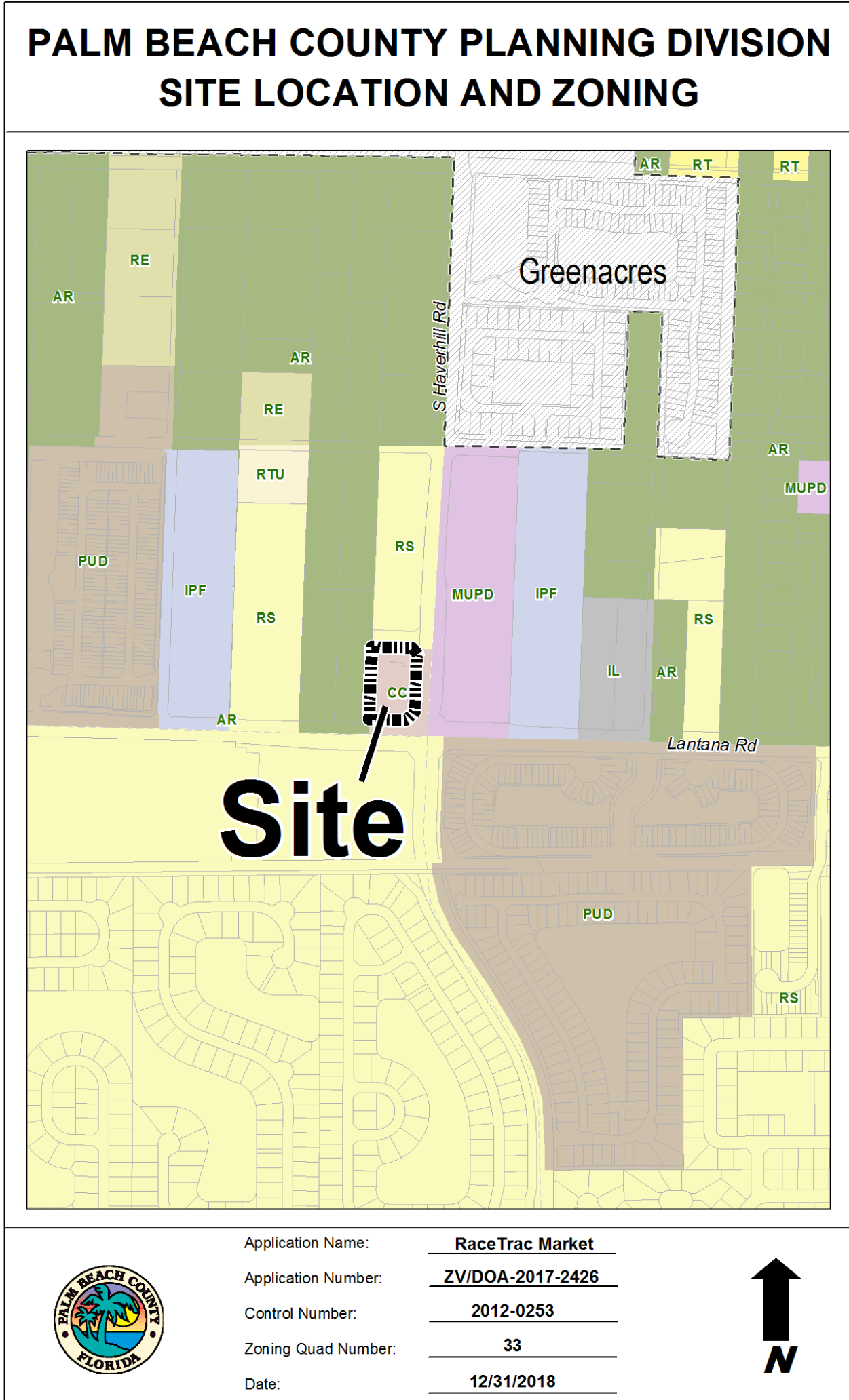
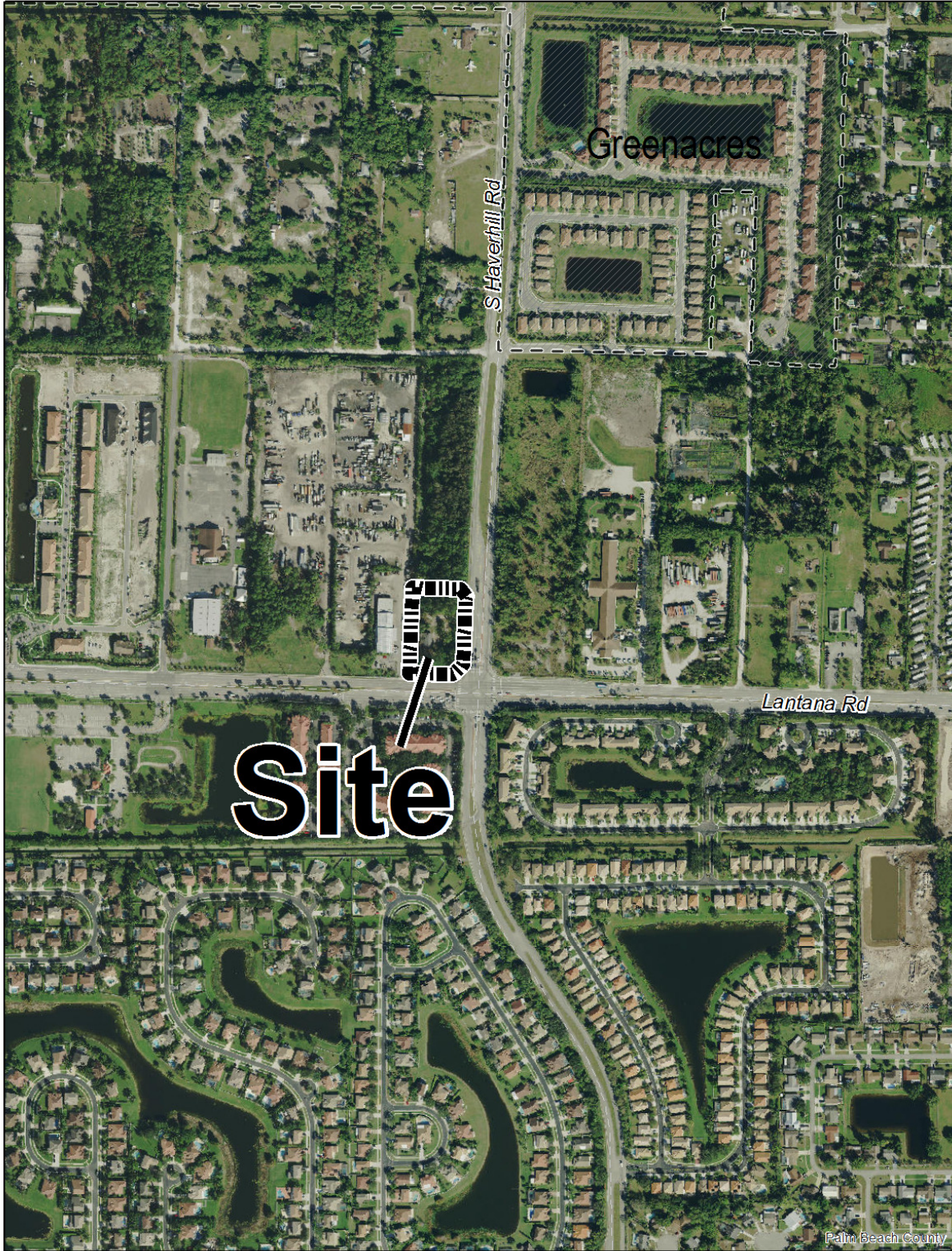


Figure 3 – Aerial

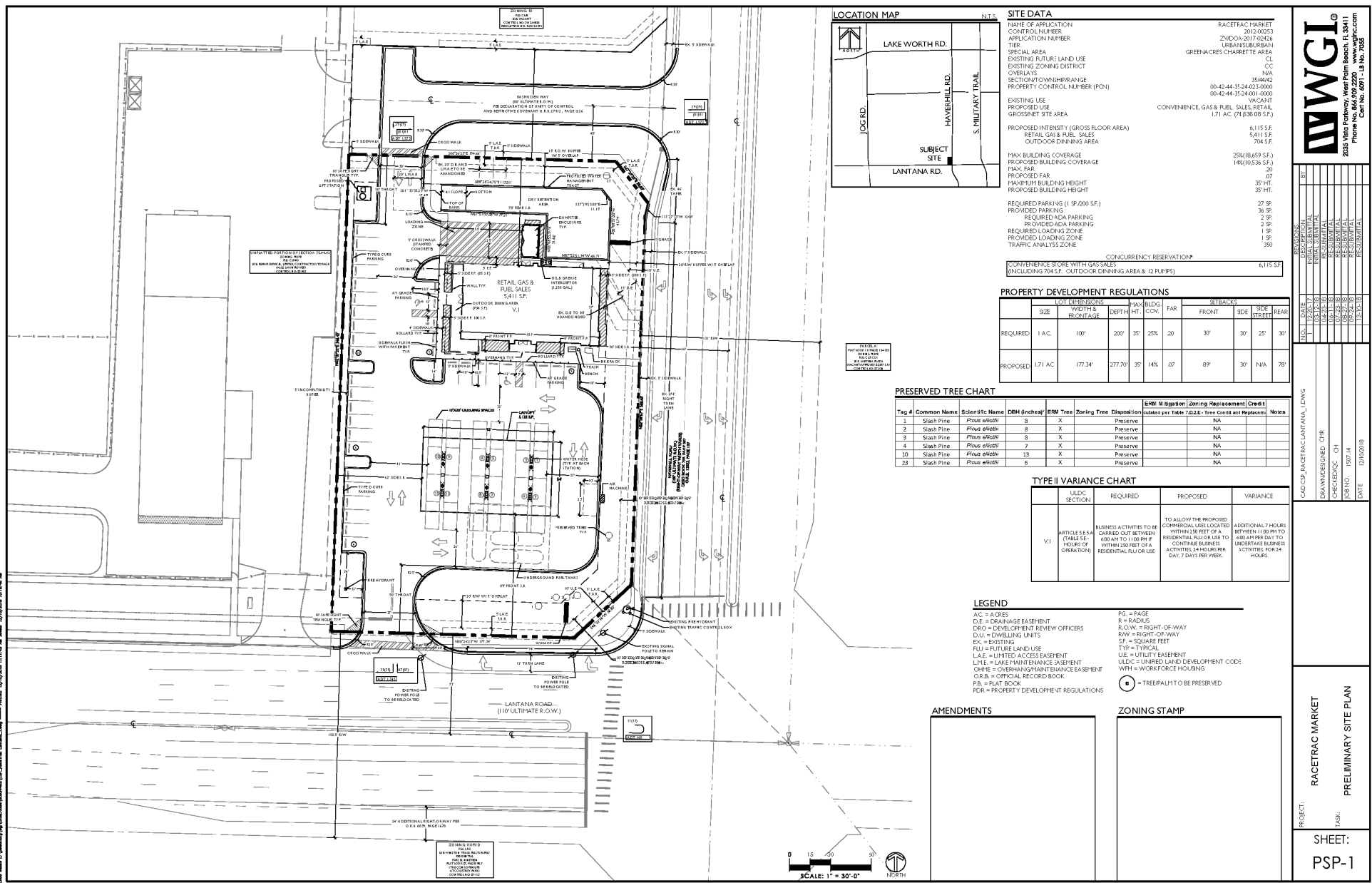
# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION

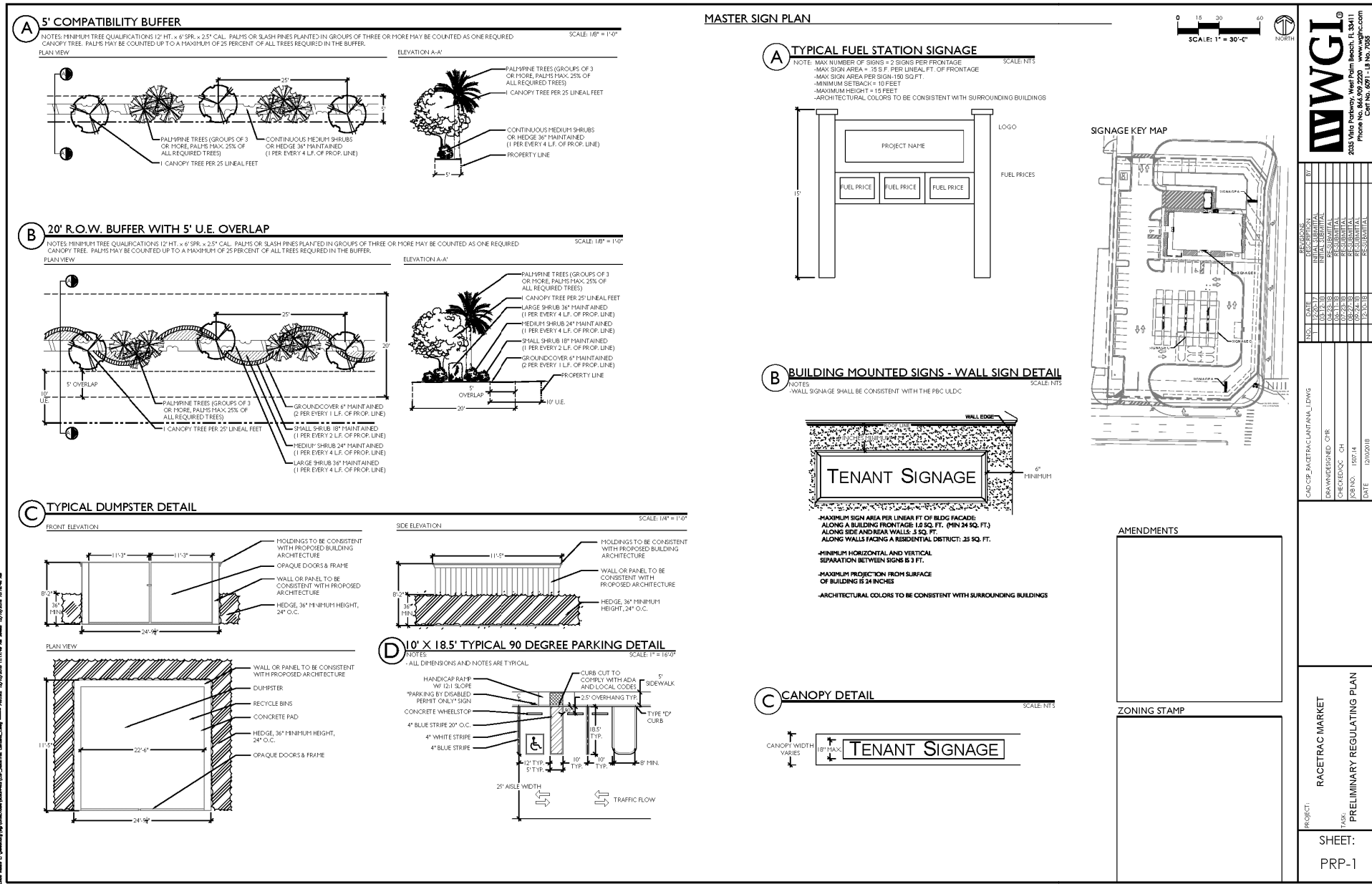


Application Name:	<u>RaceTrac Market</u>
Application Number:	<u>ZV/DOA-2017-2426</u>
Control Number:	<u>2012-0253</u>
Atlas Page Number:	<u>82</u>
Date:	<u>12/31/2018</u>

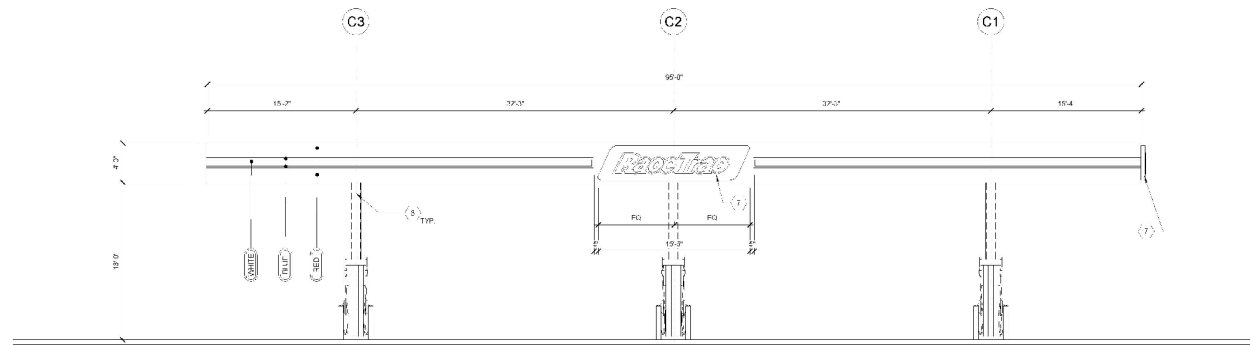


Figure 4 – Preliminary Site Plan dated December 10, 2018

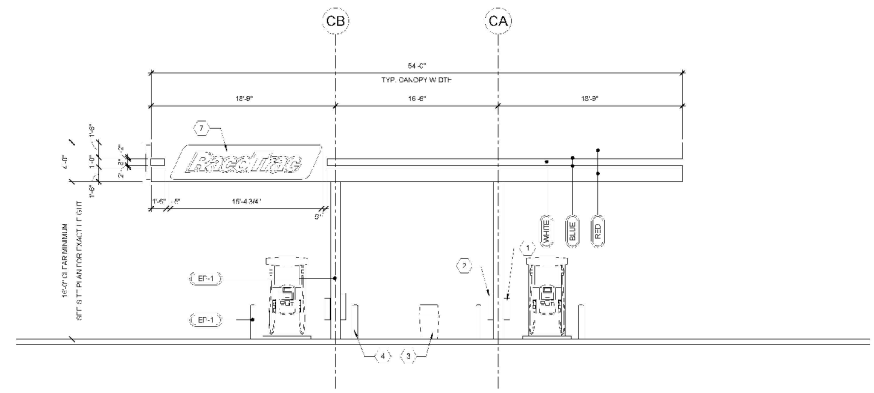








2 CANOPY FRONT ELEVATION  
 3/8" = 1'-0"



1 CANOPY ELEVATION  
 3/8" = 1'-0"

- GENERAL NOTES**
- AREA WITHIN 18'-7" OF DISPENSER BOTH HORIZONTAL AND VERTICAL SHALL BE CLASS - UNPAVED.
  - IF THERE IS A RISK OF FLOODING, THE CANOPY SHALL BE ELEVATED TO A HEIGHT OF 18" ABOVE THE FLOODING LEVEL.
  - NO SIGNAGE SHALL BE POSTED IN ACCORDANCE WITH LOCAL JURISDICTION TO BE DETERMINED BY THE APPLICANT. THE LOCATION OF CANOPY SHALL BE PERMITTED.
  - REFER TO ELECTRICAL SCHEDULES FOR CANOPY LIGHTS.
  - REFER TO SITE SECURITY CAMERA LOCATION AND MOUNTING.
  - REFER TO FIRE SCHEDULES FOR MATERIAL SPECIFICATIONS.
  - REFER TO SITE PLAN FOR NUMBER OF CANOPY SIGNS TO BE PLACED.
  - REFER TO MANUFACTURER'S SHOP DRAWINGS FOR ALL STRUCTURAL DETAILS.
  - REFER TO SITE SPECIFIC PLAN FOR CANOPY LIGHTING.
  - REFER TO SITE SPECIFIC PLAN FOR CONCRETE SLAB LAYOUT.
  - REFER TO CANOPY MANUFACTURER DRAWINGS FOR FOUNDATION INFORMATION AND COLUMN SURROUND.

- SHEET KEYNOTES**
- MAXIMUM HEIGHT OF CANOPY SHALL BE 12'-0" FROM THE GROUND TO THE TOP OF THE CANOPY STRUCTURE.
  - TRASH CAN REFER TO SITE PLANS.
  - BLACK TRASH CAN REFER TO SITE PLANS.
  - BLACK TRASH CAN REFER TO SITE PLANS.
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  - BLACK TRASH CAN REFER TO SITE PLANS.

**FUEL CANOPY MATERIAL SCHEDULE**

ID	MANUF.	MATERIAL	COMMENTS
FASCIA	PLUF	2" x 12" x 8' FT	REFER TO SPECIFICATION CHART ON SHEET 02.
RED	W. ST.	1/2" x 1/2" x 8' FT	REFER TO SPECIFICATION CHART ON SHEET 02.
FR-1	SI. FROWN	EXTERIOR PAINT TO MANUFACTURER'S INSTRUCTIONS	

**STANDARD CANOPY FASCIA COLOR SPECIFICATION CHART**

COLOR	CANOPY MANUFACTURER	STANDARD COLOR DESCRIPTION
*TAN	MADISON CANOPES	PROGRAM RED FASCIA
*TAN	MADISON CANOPES	PROGRAM RED FASCIA
*TAN	MADISON CANOPES	PROGRAM RED FASCIA
*TAN	MADISON CANOPES	PROGRAM RED FASCIA
*TAN	MADISON CANOPES	PROGRAM RED FASCIA

**RaceTrac**  
 CORPORATION  
 THESE PLANS SHALL BE HELD IN CONFIDENCE AND NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. OR RACETRAC SIGN SYSTEMS, PETROLEUM, INC.

**RACETRAC SIGN SYSTEMS, PETROLEUM, INC.**

ARCHITECTURE  
 ENGINEERING  
 & ASSOCIATES

3850 FLORENCE HILL ROAD  
 SUITE 200  
 DUBLIN, CALIFORNIA 94568  
 925.422.9955  
 WWW.RACETRACSIGN.COM

**REVISION RECORD**

DATE	DESCRIPTION
12/10/18	PRELIMINARY SUBMITTAL
12/10/18	PRELIMINARY SUBMITTAL

**RaceTrac**  
 RACETRAC PETROLEUM, INC.  
 200 SULLY PARKWAY NORTHWEST  
 SUITE 800  
 ATLANTA, GEORGIA 30339  
 (770) 431-7600

**PRODUCT NAME**  
**LANTANA**

**FLORIDA**  
**NW C/O LANTANA RD.**  
**& HAVERHILL RD.**

**RACETRAC STORE NUMBER**  
**0156**

**PROJECT TYPE SERIES 5.0K 2.0**  
**2018 LH SV**

**PLAN MODIFICATION NOTICE**

SPS NO.	DATE

**STANDARD PLAN BUILDING (SPB) INDUSTRY THE PROVISIONS SET FORTH ABOVE THE PROVISIONS SET FORTH IN THE PROVISIONS SET AT ORIGINAL RELEASE. THE USER AGREES TO HOLD RACETRAC PETROLEUM, INC. HARMLESS FROM AND INDEMNIFY RACETRAC PETROLEUM, INC. FOR ANY AND ALL DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY RACETRAC PETROLEUM, INC. OR ITS AFFILIATES, AGENTS, CONTRACTORS, SUBCONTRACTORS, OR SUPPLIERS IN CONNECTION WITH THE USE OF THESE PLANS.**



**PROJECT NUMBER**  
 16,710,00

**SHEET TITLE**  
**FUEL CANOPY PLANS AND ELEVATIONS**

**SHEET NUMBER**  
**PAE-2**

ZONING STAMP



AMENDMENTS

ID	MANUF.	MATERIAL	COMMENTS
BRICK			
BR-1	BRCA	LAREDO BRICK	MORTAR COLOR 'LIGHT BLUFF'
METAL			
M-1		PERFINS-HED 4" 2-PIECE COMPRESSION METAL DOORSE	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
PAINT			
PR-1	SHERWIN WILLIAMS	EXTERIOR PAINT TO BW #050 'BLACK FOX'	
TEXT			
TR-1	SELECT COMPOSITE	1/2" THICKNESS	WOODLAND SMOKE

**RaceTrac**  
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**DESIGN PROFESSIONALS**  
**HTR**  
 HILL FOLEY ROSSI & ASSOCIATES  
 ARCHITECTURE  
 ENGINEERING

3850 FLORENCE BLVD. SUITE 200  
 DALLAS, TEXAS 75219  
 P 772.422.9850  
 F 772.422.5545  
 www.hillfoleyrossi.com

**ISSUE/REVISION RECORD**

DATE	DESCRIPTION
10/20/18	PRELIMINARY SUBMITTAL
12/10/18	PRELIMINARY SUBMITTAL
	PRELIMINARY SUBMITTAL

**RaceTrac**  
 RACE TRAC PETROLEUM, INC.  
 200 SILVER STARWAY BOULEVARD  
 SUITE 600  
 ATLANTA, GEORGIA 30339  
 (770) 481-7800

**PROJECT NAME**  
**LANTANA**

**FLORIDA**  
 NW C/O LANTANA RD.  
 & HAVERHILL RD.

**RACE TRAC STORE NUMBER**  
**0156**

**PROTOTYPE SERIES D.D.R. 2.0**  
**2018 LH SV**

**PLAN MODIFICATION NOTICE**

SPS NO. DATE

STANDARD PLAN BULLETINS (SPB) DENOTE THE PROTOTYPE SERIES SET NUMBER. THE AUTHOR AND REVISIONS LISTED IN THE ORIGINAL PROTOTYPE SET OR THE PROTOTYPE SERIES SET BY ORIGINAL RELEASE. THIS LOG RECORDS REVISIONS MADE TO THE PROTOTYPE SERIES SET AFTER THE ORIGINAL RELEASE. CONTACT RACE TRAC ENGINEERING AND CONSTRUCTION FOR ANY SUBSEQUENT BULLETINS NOT INCORPORATED HEREIN.



**PROJECT NUMBER**  
 16.710.00

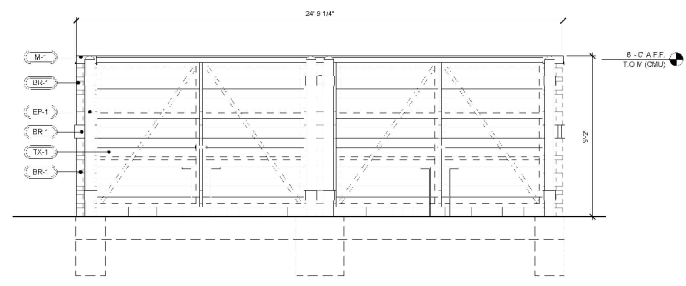
**SHEET TITLE**  
**DUMPSTER ENCLOSURE ELEVATIONS**

**SHEET NUMBER**  
**PAE-3**

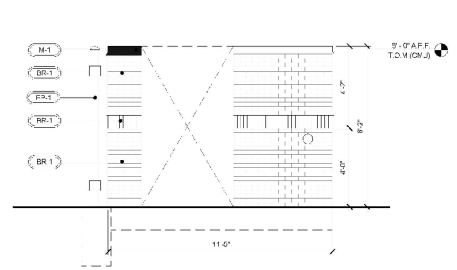
PRELIMINARY PROVISIONS

ZONING STAMP

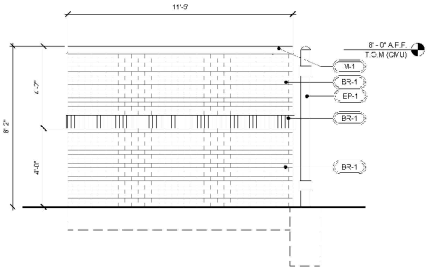
AMENDMENTS



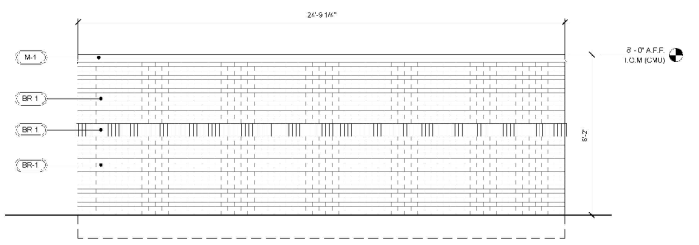
5 DUMPSTER ENCLOSURE FRONT ELEVATION  
 3/8\"/>



4 DUMPSTER ENCLOSURE LEFT ELEVATION  
 3/8\"/>



3 DUMPSTER ENCLOSURE RIGHT ELEVATION  
 3/8\"/>



2 DUMPSTER ENCLOSURE REAR ELEVATION  
 3/8\"/>



Exhibit D – Disclosure

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brian Thornton, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

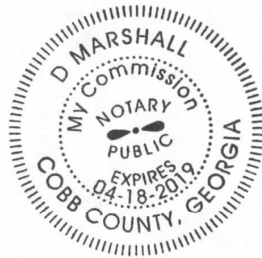
1. Affiant is the [ ] individual or [] VP of Real Estate and Engineering [position - e.g., *president, partner, trustee*] of RaceTrac Petroleum, Inc. [name and type of entity - e.g., *ABC Corporation, XYZ Limited Partnership*] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 200 Galleria Parkway SE, Suite 900  
Atlanta, GA 30339
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Brian Thornton, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of DEC, 2017, by BRIAN THORNTON, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.



D Marshall  
Notary Public

D. MARSHALL  
(Print Notary Name)

NOTARY PUBLIC  
State of ~~Florida~~ at Large GEORGIA  
My Commission Expires: 4/18/19

**EXHIBIT "A"**  
**PROPERTY**

LEGAL DESCRIPTION

PARCEL 1, TOGETHER WITH TRACT "W", RACEWAY MARKET, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 121, PAGES 55 THROUGH 57, PUBLIC RECORDS ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CONTAINING IN TOTAL 74,636.08 SQUARE FEET OR 1.71 ACRES, MORE OR LESS.

ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF THE PLAT OF RACEWAY MARKET, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 121, PAGES 55 THROUGH 57, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°26'25" EAST ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE 194.66 FEET; THENCE SOUTH 37°29'26" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 38.83 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12022, PAGE 197 OF SAID PUBLIC RECORDS; THENCE SOUTH 13°27'33" WEST ALONG SAID RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 10.08 FEET; THENCE SOUTH 02°08'57" WEST, ALONG SAID RIGHT-OF-WAY LINE AND SAID EAST LINE OF PARCEL 1, A DISTANCE OF 268.45 FEET; THENCE SOUTH 46°51'16" WEST DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 56.80 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD, ALSO BEING THE NORTH LINE OF TRACT "A" OF SAID PLAT; THE AFORESAID TRACT "A" BEING CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORD BOOK 28155, PAGE 1470, OF SAID PUBLIC RECORDS; THENCE NORTH 88°26'25" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD, THE NORTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 177.34 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH 02° 07'22" EAST ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 348.43 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

**Name**

**Address**

RaceTrac Petroleum, Inc. 200 Galleria Parkway SE, Suite 900, Atlanta, GA 30339

Carl Bolch Senior Trust c/o 200 Galleria Pkwy., SE, Ste. 900, Atlanta, GA 30339

Carl E. Bolch, Jr., GRAT c/o 200 Galleria Pkwy., SE, Ste. 900, Atlanta, GA 30339

Susan Bass Bolch GRAT c/o 200 Galleria Pkwy., SE, Ste 900, Atlanta, GA 30339

\_\_\_\_\_  
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\_\_\_\_\_

**UNANIMOUS WRITTEN CONSENT OF THE  
BOARD OF DIRECTORS  
OF THOSE CERTAIN COMPANIES LISTED ON THE ATTACHED EXHIBIT A**

The undersigned, being all of the members of the Board of Directors for those certain companies listed on the attached Exhibit "A" (said companies being hereinafter referred to collectively as the "Companies" and each as a "Company"), do hereby consent to and adopt the following resolutions, which actions shall have the same force and effect as if they were approved and adopted at meetings of the Board of Directors for the Companies duly called and held.

**WHEREAS**, the undersigned have determined that it is in the best interests of the Companies to streamline the approval process for the purchase, sale, lease, sale/leaseback, granting of easements and encumbrance of improved and unimproved real property ("Real Estate Transactions") from time to time;

**NOW, THEREFORE**, the members of the Board of Directors of the Companies do hereby adopt the following resolutions, each effective as of June 1, 2016:

**RESOLVED**, that any of the officers of the Companies listed on Exhibit "A" (collectively the "Authorized Officers" and individually each an "Authorized Officer"), are hereby authorized, empowered and directed for and on behalf of the Companies, and in their names, to enter into, execute, and deliver on behalf of the Companies any and all of the agreements and other documents in furtherance of a Real Estate Transaction, and the Board of Directors hereby ratifies and confirms any and all such actions; and

**FURTHER RESOLVED**, that each person named on Exhibit "B" is an Authorized Officer and holds the office opposite his/her name, that the members of the Board of Directors are familiar with the signatures of the Authorized Officers, and the signatures set forth on Exhibit "B" next to each of the Authorized Officer's name is such Authorized Officer's genuine signature. Each Authorized Officer is authorized to execute and deliver such agreements as described in the foregoing resolutions.

**FURTHER RESOLVED**, that any and all acts or omissions to act by the Authorized Officers in connection with Real Estate Transactions on or after January 1, 2015 are unanimously ratified, confirmed and approved by the Board of Directors as the acts of the Companies.

**FURTHER RESOLVED**, that this unanimous written consent may be executed in one or more counterparts, each of which shall constitute an original, and all of which shall together constitute one and the same instrument.

1

2

IN WITNESS WHEREOF, the undersigned Directors of the Companies, being all the members of the Board of Directors of the Companies, hereby give their consent to the foregoing actions and resolutions effective as of the first day of June, 2016.

*Carl Bolch, Jr.*  
Not Cast

Carl Bolch, Jr.

*Susan Bass Bolch*

Susan Bass Bolch

June 17, 2016 9:12 AM

*Allison Bolch Moran*

Allison Bolch Moran

June 13, 2016 9:12 AM

*Max Lenker*

Max Lenker

June 08, 2016 10:31 AM

*Robert J. Dumbacher*

Robert J. Dumbacher

June 14, 2016 5:16 PM

*Natalie Bolch Morhaus*

Natalie Bolch Morhaus

June 08, 2016 11:32 AM

Not Cast

*Melanie Bolch Isbill*

Melanie Bolch Isbill

Not Cast

*Jordan Bass Bolch*

Jordan Bass Bolch

2

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**EXHIBIT "A"**  
**COMPANIES**

<b>ENTITY</b>	<b>JURISDICTION OF INCORPORATION</b>	<b>MEMBERS OF THE BOARD OF DIRECTORS</b>	<b>AUTHORIZED OFFICERS</b>
RaceTrac Petroleum, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Andalusia Properties, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Del Lago Ventures, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Gingercrest, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>

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ENTITY	JURISDICTION OF INCORPORATION	MEMBERS OF THE BOARD OF DIRECTORS	AUTHORIZED OFFICERS
Mesquite Creek Development, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Mountainprize, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Pecos Pointe, Inc.	Texas	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Pepperwood, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>

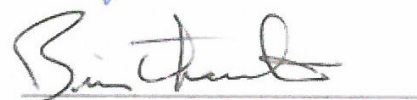
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ENTITY	JURISDICTION OF INCORPORATION	MEMBERS OF THE BOARD OF DIRECTORS	AUTHORIZED OFFICERS
Southern Cornerstone, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Shell Coast, Inc.	Texas	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>
Silver Sites Development, Inc.	Georgia	Carl Bolch, Jr. Allison Bolch Moran Max Lenker Robert J. Dumbacher Susan Bass Bolch Natalie Bolch Morhous Melanie Bolch Isbill Jordan Bass Bolch	<ul style="list-style-type: none"> <li>• CEO</li> <li>• President</li> <li>• CFO</li> <li>• Chief Legal Officer</li> <li>• VP of Real Estate and Engineering</li> </ul>

**EXHIBIT "B"**  
**AUTHORIZED OFFICERS/SIGNATURES**

**AS TO THE FOLLOWING COMPANIES:** ANDALUSIA PROPERTIES, INC.  
DEL LAGO VENTURES, INC.,  
GINGERCREST, INC.  
MESQUITE CREEK DEVELOPMENT, INC.  
MOUNTAINPRIZE, INC.  
PECOS POINTE, INC.  
PEPPERWOOD, INC.  
RACETRAC PETROLEUM, INC.  
SOUTHERN CORNERSTONE, INC.  
SHELL COAST, INC.  
SILVER SITES DEVELOPMENT, INC.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
Allison Bolch Moran	Chief Executive Officer	
Bill Milam	President	
Robert J. Dumbacher	Chief Financial Officer	
Joseph H. Akers	Chief Legal Officer/Assistant Secretary	
Brian Thornton	Vice President of Real Estate & Engineering	

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**Exhibit E - Justification Statement dated September 24, 2018**



**JUSTIFICATION STATEMENT**  
**RACETRAC MARKET**  
**NWC of Lantana Road and Haverhill Road**  
**Control No: 2012-00253**  
*Development Order Amendment to Conditional Use (Class A)*  
**Type 2 Variance (Hours of Operation)**  
*Initial Submittal: December 20, 2017*  
*Resubmittal: April 23, 2018*  
*Resubmittal: May 14, 2018*  
*Resubmittal: June 11, 2018*  
*Resubmittal: July 23, 2018*  
*Resubmittal: August 27, 2018*  
**Resubmittal: September 24, 2018**

**REQUEST**

On behalf of the Petitioner, Wantman Group, Inc. is requesting the following approvals:

1. **Development Order Amendment (DOA)** to an existing approved Class A Conditional Use (Retail Gas & Fuel Sales) to:
  - a. Increase building square footage and add pumps;
  - b. Amend Conditions of Approval (COA); and,
  - c. Restart the commencement clock
  
2. **Type 2 Variance** from Unified Land Development Code (ULDC) Section 5.E.5.A to allow proposed commercial uses on subject site, located within 250 feet of residential FLU or use, to continue business activities, 24 hours per day, 7 days per week.

ULDC SECTION	REQUIRED	PROPOSED	VARIANCE
Article 5.E.5.A (Table 5.E – Hours of Operation)	Business activities to be carried out between 6:00 am to 11:00 pm if within 250 feet of a residential FLU or use.	To allow the proposed commercial uses located within 250 feet of a residential FLU or use to continue business activities, 24 hours per day, 7 days per week.	Additional 7 hours between 11:00 PM to 6:00 AM per day to undertake business activities, for 24 hours.

The proposal will allow for the development of a 24-hour RaceTrac Market comprising a 5,411 square foot Convenience Store with Gasoline Sales, with a 704 square foot outdoor seating area, and 12 fueling positions (6 pumps). A total of 37 parking spaces will be provided, with access to the site from both Lantana Road and Haverhill Road—consistent with the previously approved site plan. Per the Conditions of Approval, the site will provide free water hoses at each fueling station and free air for tires.

## PROPERTY HISTORY AND SITE CHARACTERISTICS

The subject site is located at the northwest corner of Lantana Road and Haverhill Road, in unincorporated Palm Beach County. The subject property consists of 1.71 acres and is owned by RaceTrac Petroleum, Inc. The subject property has a Future Land Use (FLU) designation of Commercial Low (CL) and a Zoning Designation of Community Commercial (CC). The property has had previous approvals which are outlined below.

### Future Land Use Amendment History

A Small Scale Future Land Use Amendment was approved over the subject property in the 2013-A Amendment Round to modify the Future Land Use designation from MR-5 to CL (Commercial Low).

### Zoning History

At its August 22, 2013 meeting the Board of County Commissioners (BOC) approved a request for rezoning from the AR zoning designation to the Community Commercial (CC) zoning for the subject property via Resolution No: R-2013-1071. Also approved at that same meeting was a Class A Conditional Use to allow a convenience store with gas sales on the property via Resolution No: R-2013-1072.

### Final Site Plan Approval

Final Site Plan approval for a 2,822 square foot, 5 pump (10 fueling positions) Convenience Store with Gas Sales was issued on May 14, 2014.

A subsequent administrative review amendment approval was issued on December 16, 2014 (ZAR-2014-02222), adjusting driveway turnout radii and easements.

Subsequent Right-of Way Dedication has been completed in accordance with the Conditions of Approval and the property was recently platted, pursuant to PB 121, PG 55-57.

## SURROUNDING PROPERTIES

The proposed development is compatible with the surrounding uses. The following summarizes the nature of the properties surrounding the subject property.

- ◆ **North:** To the north of the subject property is vacant, heavily vegetated land. This property has a FLUA designation of Commercial Cow (CL) with an underlying Medium Residential, 5 units per acre (MR-5) and a Zoning classification of Single Family Residential (RS).
- ◆ **East:** To the east of the subject property across Haverhill Road, a 100' right-of-way is vacant land located within the CL FLUA designation. This is approved as a Multiple Use Planned Development (MUPD), known as Lantana Plaza. The Lantana Plaza MUPD is approved for 83,577 square feet of commercial uses (Control No. 03-099)

This request is compatible with the existing and approved uses to the east, thus will not create any adverse impacts.

- ◆ **South:** To the south of the subject property across Lantana Road, a 110' right-of-way is the Winston Trails residential development (Control No. 87-112). This development has a Future Land Use of LR-3 and a Zoning classification of RS/SE. This portion of Winston Trails, directly south of the subject property, consists of the



County owned park with a lighted sports facility (public civic/park dedication consisting of 22.9-acres) and Parcel 19 of the development which contains 192 multi-family units (on 10.081-acres with a 1.152-acre recreation site). The density of Parcel 19 equates to approximately 19.05 dwelling units per acre. The property to the south has access from both Lantana Road and Haverhill.

- ◆ **West:** To the west of the subject property is the Able Lawnmowers Sales, Service and Storage, which is located within the Commercial Low with an underlying Medium Residential-5 du/ac (CL/5) FLUA designation and has an Agricultural Residential (AR) Zoning classification (Control No. 82-053).

This request is compatible with the existing use of the western property. The amendment will co-locate with the existing uses to the west, without creating any adverse impacts.

#### **ARTICLE 2.B.2.B - DEVELOPMENT ORDER AMENDMENT STANDARDS**

This Development Order Amendment is being made pursuant to the standards set forth in Article 2.B.2.B of the Palm Beach County Unified Land Development Code.

Specifically, the proposed Development Order Amendment (DOA) to an existing approved Class A Conditional Use (Convenience Store with Gas Sales) to:

1. Add 2,589 square foot and 1 pumps (2 fueling positions) for a total of 5,411 square foot and 6 pumps (12 fueling positions) and reconfigure the site layout;
2. Amend Conditions of Approval (COA) to accommodate the proposed development on the subject property; and,
3. Restart the Commencement Clock.

A response is provided for each standard set forth under Article 2.B.2.B is provided below.

#### **1. Consistency with the Plan**

The proposed use is consistent with the approved use and the site's CL FLU. The proposal contributes to growth management principles and livable communities by locating commercial uses in suitable and well planned locations. The corner of Lantana Road and Haverhill Road is an excellent site in which to locate commercial uses. It is important to note that the east side of Haverhill Road has been approved as commercial, demonstrating the compatibility of such uses at this location. It is submitted that the proposed development is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan.

#### **Treasure Coast Regional Planning Council's (TCRPC) Greenacres, Atlantis, and Palm Beach County Charrette Report**

Due to the subject property being located at the northwest corner of Haverhill Road and Lantana Road, the general principles and objectives of the Treasure Coast Regional Planning Council's The Greenacres, Atlantis, and Palm Beach County Charrette report applies to the site. The charrette report serves as a master plan for a specific area that has the following boundaries: The L-14 canal to the north, Lantana Road to the south, Cadillac Road to the west, and Military Trail to the east. The plan highlights certain development goals for the intersection of Haverhill Road and Lantana Road, which includes the establishment of a commercial node. The proposed development is consistent with the general principles and interests of the charrette report as detailed down below:



- The proposed development is a general commercial use that is highly compatible with other commercial uses, which can serve to bolster the fabric of a destination shopping area.
- Since the subject property is located at the corner of Lantana Road and Haverhill Road, the proposed development can enhance the intersection as a commercial node where people conduct business, shop, and see neighbors.
- The proposed development adds a retail element to corner of the intersection, thus increasing the intersection as a destination shopping center.

Based on the principles and objectives of the charrette report shown above, the proposed development will facilitate the development goals of The Greenacres, Atlantis, and Palm Beach County Charrette report. The Agent met with the City of Greenacres Planning Staff on February 14, 2018. At that time, staff expressed their concerns regarding the previous comments made at the original approval hearing. The City supports maintaining the approval from the original approval’s BCC that allowed the gas station with limiting conditions of approval. The City does not support the modifications to the conditions and the site plan as currently presented.

**2. Consistency with the Code**

Amending the Development Order to permit the Requested Use is consistent with the Code and consistent with the approved use of the subject property for a Convenience Store with Gas Sales.

The proposal complies with all applicable standards and provisions of the Code, as described below:

- Property Development Regulations (PDRs) – The CC regulations apply for the proposed use. The proposed development is consistent with the Property Development Regulations identified in Table 3.D.1.A of the ULDC, as outlined below, with the exception of the side setback requirement, which is also the subject of a concurrent Type 2 Variance Request.

**Table 3.D.1.A - Property Development Regulations**

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (12)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
CC	1 ac.	100	200	-	-	-	25%	30	30	(11)	30

- Use Regulations (Art. 4.B.1.A.37 – Convenience Store with Gas Sales) – The proposed DOA is for expansion and reconfiguration of a previously approved Convenience Store with Gas Sales and complies with the aforementioned Use Regulations, as follows:
  - a. Floor area does not exceed 7,000 square foot;
  - b. The use complies with approval criteria for ‘Gas and Fuel’ Retail’ in that it is located in the same location as a previously approved use, provides adequate ingress and egress, buffering, stacking, circulation and access. Additionally, the subject property is able to be developed at the intensity proposed, including number of fueling positions, without adversely impacting on the amenity of the surrounding area or road network.
  - c. The proposed development complies with all applicable locational criteria, being situated on a site previously approved for the same use.
  - d. More than 50% of the required parking is adjacent to the store.
- Parking – 27 spaces total are required, whereas 37 spaces are proposed for the proposed development.



- Loading – The ULDC requires one (1) loading space, which is proposed on the northern side of the building.
- Architecture – Final Elevations will be submitted as part of the Final DRO approval request. The canopy is proposed to have a clearance maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy, as stated in resolution R-2013-1072.
- Landscape / Buffering – The proposed development will comply with all Code requirements for landscape buffering along right of ways and perimeter property lines.
- Signs – The Master Sign Plan will be amended to accommodate new signage copy for the proposed RaceTrac Market. Signage will be developed in accordance with Article 8 and the existing conditions of approval.

### **3. *Compatibility with Surrounding Uses***

The proposed development will maintain consistency with surrounding uses. The proposal is for expansion of a previously approved Convenience Store with Gas Sales and as such commercial development in this location is already anticipated. More specifically:

- North – The property to the north was rezoned RS and has an underlying CL/5 which was created at the same time as the previous approvals. The proposed development will be separated from property to the north by an access road and buffering, ensuring there will be no incompatibility issues.
- East – This request is compatible with the existing and approved commercial uses to the east, thus will not create any adverse impacts.
- South – This request will complement the existing uses to the south. Although the property to the south has a RS/SE Zoning designation, it is a Public Park and a high density multi-family pod. The request will complement the existing uses.
- West – The proposed development, including proposed variation to the required side setback, will not adversely impact on the adjoining commercial use (Able Lawnmowers Sales, Service and Storage) as it will result in the co-location of compatible commercial uses.

### **4. *Design Minimizes Adverse Impact***

Amending the Development Order to permit the request does not have an adverse impact. As mentioned above, given that the site is already approved for a Convenience Store with Gas Sales and surroundings are predominantly commercial, the proposed development is consistent and compatible. Adverse impacts are able to be mitigated through architectural design, site layout, buffering and appropriate location of ingress and egress locations.

### **5. *Design Minimizes Environmental Impact***

The proposed development will not result in significantly adverse impacts on the natural environment. The subject property currently contains a single family residence. The proposal does not have an adverse impact on the existing environment. All proper permitting will be completed for the removal of vegetation through PBC ERM, including any necessary amendments to the already permitted plans.



**6. Development Patterns**

The location of the proposed use and development of the subject property provides for a logical and orderly development pattern. Land uses immediately surrounding the approved and proposed development are compatible and approval of the use will continue to contribute to a consistent and well planned overall pattern of development in the area. Good planning principals require an orderly pattern of growth from the intense uses along major thoroughfares to the less intense uses further from the thoroughfare. The subject property located at the corner of two major thoroughfares and adjacent to commercial uses to the east and west, would suggest more intense uses on this site.

Due to the location of the subject property, the proposed development plan is more appropriate than the existing use and represents smart planning principles, promoting redevelopment opportunities and locating development near existing infrastructure.

**7. Adequate Public Facilities**

It is anticipated the proposed change in use will utilize the existing facilities and services within its Service Area. Traffic impacts will be minimal and an appropriate traffic statement has been submitted as part of this proposal.

**8. Changed Conditions or Circumstances**

The proposed expansion of the approved use for Retail Gas & Fuel Sales provides for a well-planned, suitable and functional development. Commercial development is already anticipated on the subject site and previous approval established the Land Use and Zoning designations which established a framework for future commercial development in this location that was not previously anticipated. The property is able to be designed to facilitate the functional operation of the development at the intensity proposed without adversely impacting on surrounding properties.

The subject site represents an excellent opportunity for commercial development, as it is located along an established corridor and at an ideal corner location for this type of development. The subject site has commercial uses to the west, and roadway systems abutting to the east and south. On the east side of Haverhill Road is a development that has been approved as commercial, further demonstrating the appropriateness of commercial at this location.

Moreover, since the previous approval of a 5-pump (10 fuel positions), 2,822 square foot Race Way, the consumer market for gasoline convenience stores has dramatically changed. RaceTrac's primary market competitors in have developed a half of a dozen stores in the last few years in Palm Beach County. Major competitors provide gasoline convenience consumers in Palm Beach County a wide variety of fresh prepared food, snacks, drinks, and goods in a +/- 6,000 square foot "neighborhood store" structure, with on average 6-8 pumps/12-16 fueling positions. Competitor stores that have been developed or are currently under permit review are in stark contrast to the 2,822 square foot RaceWay store with 5 pumps/10 fueling positions. Due to the market preference of more freshly prepared food items and competitive gas prices, competitors have successfully responded and developed stores to meet those needs, which requires larger stores and more pumps/fueling positions than other convenience stores that have been developed over the past thirty years or so.

To be competitive in the convenience store market evolution, RaceTrac is remodeling existing stores and developing their new stores with better access to competitive gas prices and offering more freshly prepared food, snacks, and beverages. In today's market, the convenience store consumer demands a larger selection



of freshly prepared foods and interesting beverages. A convenience gas store is no longer the place where you only get gas, rather, it's a destination where you can fill up your tank—while you get a high quality freshly prepared breakfast, lunch, and or dinner meal. Competitor's high quality convenience store experience has changed the gas station development market similarly to how Amazon changed retail. To be competitive in the Palm beach County convenience store/fuel station market, RaceTrac needs short gas lines with more pumps, and a larger store to prepare fresh meals and snacks.

#### **CONDITIONS OF APPROVAL**

A Status Report that outlines the status of all Conditions of Approval per the latest Resolutions, R-2013-1071 and R-2013-1072, has been provided.

The following amendments are proposed to Resolution R-2013-1072 as part of this DOA request. Existing conditions to be deleted or amended is struck through (~~xxxx~~) and new text is shown **underlined and in bold**.

#### **ALL PETITIONS**

1. *The approved Preliminary Site Plan is dated ~~June 13, 2013~~ **INSERT DATE OF PRELIMINARY SITE PLAN.** Modifications to the Development Order in consistent 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)*

**Applicant's Justification:** The condition is to be amended to reflect the current proposed Preliminary Site Plan.

#### **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, 2014~~ **December 31, 2022.** 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-Eng)*
  - ~~b. No Building Permits for the site may be issued until the Property Owner makes a proportionate share payment the Palm Beach County Board of County Commissioners to pay for its proportionate share of the required improvement to widen Haverhill Road from a 2 lane roadway to a 4 lane divided roadway from Lantana Road to Lake Worth Road. The proportionate share payment shall be 1.67% of the total cost to construct the additional southbound lane. The amount of the proportionate share payment shall be \$41,237 if submitted prior to October 1, 2013. Otherwise the amount shall be recalculated at the time of payment based on the best estimate of the total cost of the required improvement as approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng)~~

**Applicant's Justification:** Engineering Condition 1.a. is proposed to be amended to reflect the new build out date. Engineering Condition 1.b is proposed to be deleted at the Traffic Analysis submitted with this application demonstrates a proportionate share payment is no longer necessary for the proposed development, since this improvement is under constructions.

#### **LANDSCAPE GENERAL**

1. ~~Concurrent with the Final Approval by the Development Review Officer, the Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval. The ALP and/or supporting documents shall demonstrate that all preserved vegetation meets or exceeds the~~



~~Unified Land Development Code requirements. Native vegetation may be relocated to the buffers to meet the minimum requirements of the Code. The ALP shall be prepared in compliance with all landscape related Conditions of Approval as contained herein.~~

~~2. A minimum of eighty (80%) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:~~

- ~~a. tree height: fourteen (14) feet; and~~
- ~~b. credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements.~~

~~2. The Alternative Landscape Plan shall incorporate the following:~~

- ~~a. A tree survey that depicts the location and size of all trees on site before clearing;~~
- ~~b. All trees not preserved within the buffers shall be mitigated as required by Article 7 of the Code;~~
- ~~c. All pines shall be planted in clusters of five (5) to seven (7) pines;~~
- ~~d. Pine heights shall range from a minimum of six (6) feet to sixteen (16) feet at installation; and~~
- ~~e. credit may be given for existing native trees provided they meet current Unified Land Development Code requirements. (ORO: LANDSCAPE Zoning)~~

#### LANDSCAPE INTERIOR

~~4. Prior to Final Approval by the Development Review Officer, the Alternative Landscape Plan shall include the following:~~

- ~~a. Ten (10) additional native trees shall be planted in a naturalistic design along the banks of the detention area;~~
- ~~b. The subject trees shall meet the minimum standards for interior trees as defined by the Code but shall not be included in the minimum require interior tree count.~~

**Applicant's Justification:** The building location, orientation, and the drainage structure on the amended site plan will not provide the same space designed for the previously approved Alternative Site Plan. All future landscape plans will comply with Palm Beach County standards and will be in compliance with the ULDC.

#### SITE DESIGN

1. ~~Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate the total number of gas pumps limited to a maximum of five (5) **six (6)** pumps with each pump having up to two (2) fueling stations each. (ONGOING: MONITORING - Zoning)~~

**Applicant's Justification:** The condition is proposed to be amended for consistency with the total number of pumps / fueling positions proposed as a result of this DOA request. The pumps are able to be accommodated on site and do not detract from the efficient or safe operation of the development or adversely impact on the surrounding area.



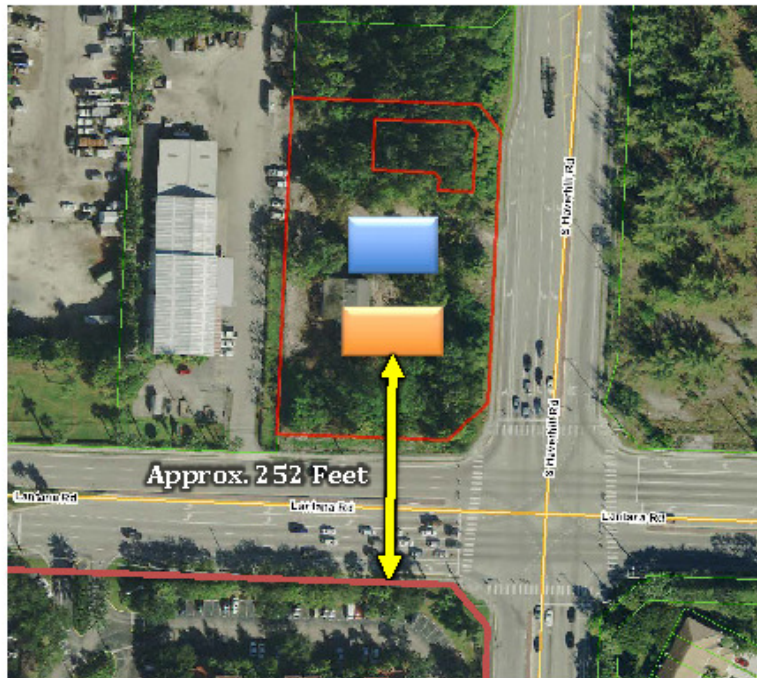
**ARTICLE 2.B.7.E.6 - TYPE 2 VARIANCE STANDARDS**

The Applicant is requesting a Type 2 Variance from the ULDC, as follows:

ULDC SECTION	REQUIRED	PROPOSED	VARIANCE
Article 5.E.5.A (Table 5.E – Hours of Operation)	Business activities to be carried out between 6:00 am to 11:00 pm if within 250 feet of a residential FLU or use.	To allow the proposed commercial uses located within 250 feet of a residential FLU or use to continue business activities, 24 hours per day, 7 days per week.	Additional 7 hours between 11:00 PM to 6:00 AM per day to undertake business activities, for 24 hours.

The request is to allow 24-hour operation for a proposed Convenience Store with Gas Sales. The ULDC limits the hours of operation for business activities for non-residential uses located within 250 feet of a residential zoning district to 6:00 am to 11:00 pm. South of the subject site is a residential FLU designated property that is separated by an existing 151 foot Lantana Road right-of-way (ROW); in addition to a proposed heavily vegetated landscape buffer. North of the subject site, directly adjacent, is a commercial FLU designated property with an underlying residential FLU. Theoretically, that parcel is considered an 80’ ultimate ROW; nonetheless, the subject site proposes to provide a fifteen foot (15’) ROW buffer with a five foot (5’) overlap in addition to the proposed heavily vegetated landscape buffer.

Permitting this variance request will not affect the residential properties to the north and south; instead, it will provide an opportunity for convenient fuel service for the community, and revitalize the abandoned property with appropriate neighborhood commercial development. Moreover, as shown on the image below, when measuring the distance from the residential use to the south to the proposed canopy footprint, it in fact exceeds the requirements with a distance of approximately 252 feet.



Additionally, the subject site is located at an intersection that is classified as two major thoroughfares, Lantana Road and Haverhill Road. The two major thoroughfares are currently underserved and result in a necessity for motor fueling stations. Requesting this variance is appropriate to benefit surrounding properties with neighborhood servicing uses and will allow uses that will promote development and infill development opportunities along the Corridor. In order to develop the corner in an efficient and functional way, permitting the Applicant to undertake business activities 24 hours per day, 7 days per week, would be ideal.

Article 2.B.7.E.6 in the Palm Beach County Unified Land Development Code requires that seven (7) criteria related to variances are addressed prior to approval by the Zoning Commission. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

**1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist which are peculiar to the Property and are not applicable to other lands, structures, or buildings in the same zoning district. The ULDC limits the hours of operation for business activities for non-residential uses located within 250 feet of a residential zoning district to 6:00 am to 11:00 pm. To the north and south of the subject site are residential FLU designated properties. Property to the South is separated by an existing 151 foot Lantana Road right-of-way (ROW); in addition to the subject site proposing a heavily vegetated landscape buffer. Property directly north of the subject site is a commercial FLU designated property with an underlying residential FLU and is technically considered an 80' ultimate ROW; nonetheless, the subject site proposes to provide a fifteen foot (15') ROW buffer with a five foot (5') overlap in addition to a heavily vegetated landscape buffer. In addition, the existing structure on the property is noticeably vacant along two major thoroughfares, which significantly contrasts with the surrounding developed parcels.

Furthermore, the two major thoroughfares are currently underserved and result in a necessity for motor fueling stations. The requested variance is appropriate to benefit surrounding properties with neighborhood servicing uses located at a major intersection. Permitting this variance will allow uses that will promote development and infill development opportunities along the Corridor. In order to develop the corner in an efficient and functional way, permitting the Applicant to undertake business activities 24 hours per day, 7 days per week, would be ideal. These factors, combined with the future development and infill development opportunities that this proposal provides, creates special conditions and circumstances that are specific to this site.

**2. Special circumstances and conditions do not result from the actions of the Applicant.**

Special circumstances and conditions exist for the subject site which is not a result of the actions of the Applicant. As previously mentioned, the subject site is encompassed by special and unique circumstances. As such, a variance for the hours of operation to extend to 24 hours per day within 250 feet of residential for the uses proposed on site is requested. Surrounding parcels to the north and south have are existing with residential FLU designations and are within 250 feet of the subject site; therefore, this is not a result of the actions of Petitioner. As mentioned previously, when measuring the distance from the residential use to the south to the proposed building footprint of the Convenience Store, it in fact exceeds the requirements with a distance of approximately 252 feet. Moreover, this area is not served to its full capacity and results in the need for motor fueling stations along these main roadways, especially at this major intersection.



**3. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

Granting of this variance will not deny other lands, buildings, or structures in the CC district the use of Convenience Stores with Fuel Sales. Since the regulation this application seeks relief from is based on hours of operation, not land use, additional development of Convenience Stores within the CC District will not be denied based upon the approval of this variance application.

**4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.**

Literal interpretation of the provisions of the ULDC would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and FLU designation, and would work an unnecessary and undue hardship. While the ULDC identifies the hours of operation for non-residential within 250 feet of residential FLU designations or use, it does not take into account the character of the area or the proposed development. The literal interpretation of the requirements of the ULDC would prevent the subject site from operating during typical operating hours for the use. In today's market, the hours of Convenience Store with Gas Sale uses typically extend 24 hours per day in order to provide better accessible services. The availability of fuel and convenience items 24 hours per day is of utmost importance to those travelling at night, whether commuting to a night job (i.e. a nurse or security guard), traveling for leisure (i.e. coming home from a party or recreational event) or traveling for work (i.e. truck drivers). The Applicant is simply requesting to extend the operating hours for the subject site in order to provide better services to their customers and remain competitive in the market.

Additionally, the subject site is located in an urban, developed area and represents excellent infill and development opportunities at a major intersection, which are encouraged by the ULDC. Due to the location of the subject site, additional circumstances apply that require additional hours of operation to serve the volume of traffic along both major thoroughfares, Lantana Road and Haverhill Road, which are currently underserved and result in the requested variance. Prohibiting the Applicant from operating the subject site 24 hours per day, 7 days per week, would work unnecessary and undue hardship.

**5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

The granting of the requested variance is the minimum variance necessary to maintain reasonable use of the land, building or structure. The Applicant is simply seeking to extend the operating hours for the proposed use to allow 24 hour business operations. Due to the location of the subject site, at a major intersection, this creates a need for the requested variance to serve the surrounding neighborhoods and properties. Considering that there are travelers in need of gasoline and convenience items at all hours of the day, the minimum variance that's requested is a reasonable use of the subject site.

**6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The granting of the variance is consistent with the purposes, goals, objectives and policies of both the County's Comprehensive Plan and ULDC, including standards for building and structural intensities and densities, and intensities of use. The proposed development meets the intent of the CC Zoning District regulations; furthermore, the development of the subject site represents important infill development opportunities, which are encouraged in both the County's Comprehensive Plan and ULDC.



The subject site includes a mix of convenience sales and fuel sales at the corner of a major intersection in accordance with the requirements of the CL land use category. Approval of this request is not only consistent with the property land use designation, but also consistent with Policy 2.2.c of the PBC Comprehensive Plan, which requires the PBC Code to be consistent with appropriate elements of the PBC Comprehensive Plan including compatibility with adjacent future land uses. Request of this variance is minimal and with provision of sufficient buffering distance and landscaping, the subject site will be compatible with surrounding land uses. Approval of the requested variance is vital to development of the subject site, which is consistent with County Comprehensive Plan.

**7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Granting of this variance request will not be injurious to the area involved or detrimental to the public welfare. Approval of the variance will allow the subject site to be developed with uses designed to serve the surrounding neighborhoods and properties. The type and intensity of the uses for the subject site have been designed to take into account the surrounding area.

***Based on the above and attached information, the Petitioner respectfully requests the approval of the requests.***

