

RESOLUTION NO. R-96-1742

RESOLUTION APPROVING ZONING PETITION DOA78-253(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GLADES PIKE EAST, LTD. AND GLADES PIKE INV., LTD.
BY SARA LOCKHART, AGENT
(WEST BOCA PLACE MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA78-253(A) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA78-253(A), the petition of Glades Pike East, Ltd. and Glades Pike Inv., Ltd., by Sara Lockhart, agent, for a Development Order Amendment (DOA) to allow auto service station (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK

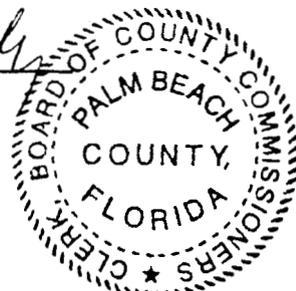


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

Tracts 65 and 66, in Block 76, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54, LESS AND EXCEPT the following described portions thereof, (1) that part of Tracts 65 and 66 lying within 40 feet of the centerline of Boca Raton West Road (State Road 808) which was conveyed to Palm Beach County, by deed recorded in Deed Book 917, Page 179, for highway right-of-way purposes; (2) the north 25 feet of the east 187.22 feet of Tract 66, which was conveyed to the State of Florida by deed recorded in Deed Book 917, Page 524; and (3) that portion of Tract 66 conveyed to the Florida State Turnpike Authority by deed recorded in Deed Book 1122, Page 656, all of Public Records of Palm Beach County, Florida;

LESS the following described property deeded to Palm Beach County. for right-of-way purposes:

The north 40 feet of the south 65 feet of Tracts 65 and 66, Block 76 of the PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida, lying west of the west line of the Florida State Turnpike property as conveyed in deed recorded in Deed Book 1122, Page 656 of the Public Records of Palm Beach County, Florida;

ALSO LESS AND EXCEPTING the following described parcel conveyed to the State of Florida in Official Record Book 6165, Page 684:

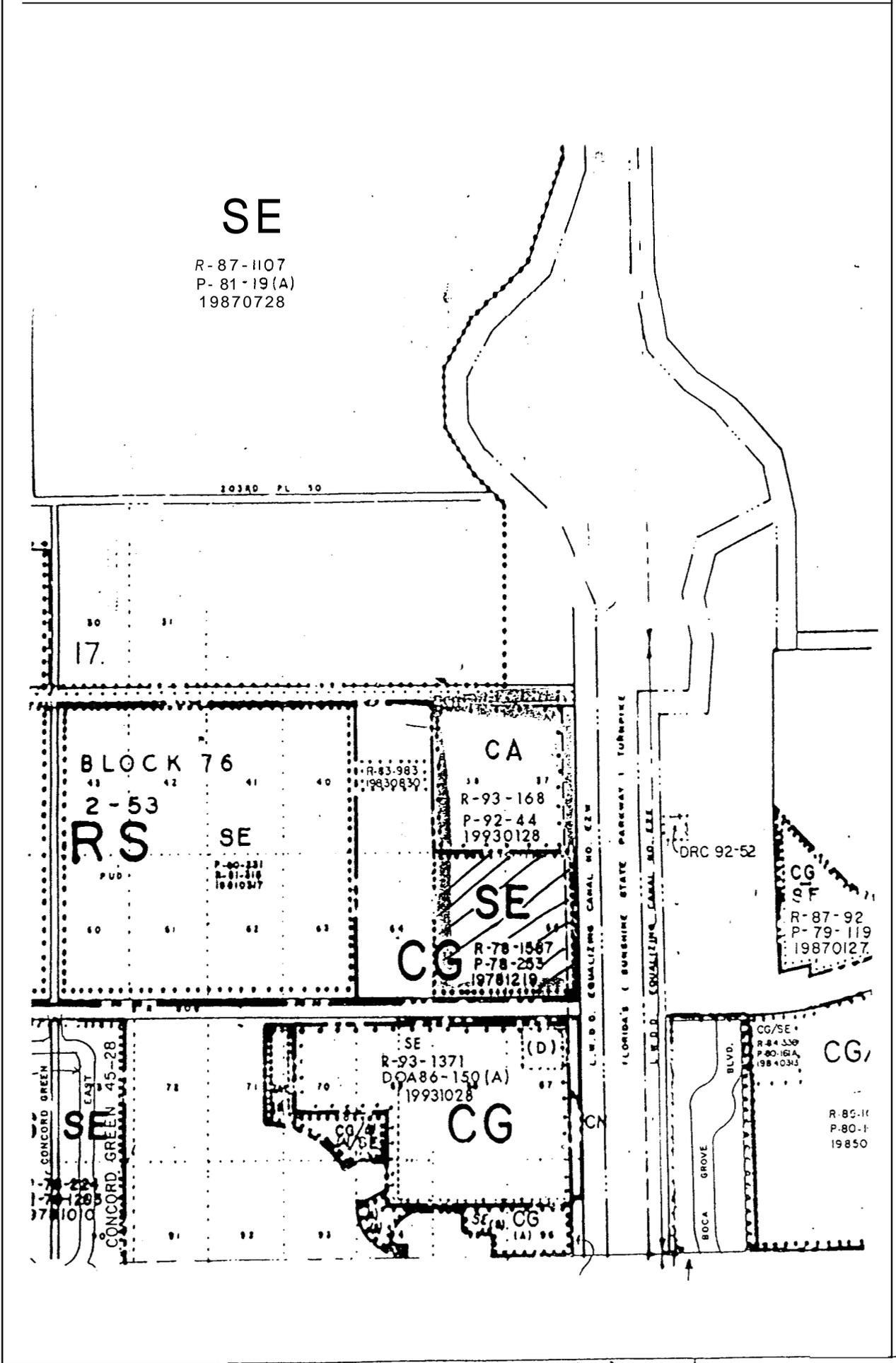
That part of Tract 66, Block 76, of THE PALM BEACH FARMS CO. PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the point of intersection of the westerly right-of-way line of the Lake Worth Drainage District E-2-U Canal with a line being 65.00 feet northerly of and parallel with the south line of said Tract 66; thence N 00'42'52" W, along said westerly canal right-of-way, a distance of 55.00 feet; thence S 89'17'08" W, a distance of 53.25 feet; thence S 00'42'52" E, a distance of 17.82 feet to the beginning of a curve concave northwesterly; thence southerly and southwesterly, along said curve having a radius of 41.00 feet, through an angle of 62°08'24", an arc distance of 44.47 feet to the end of said curve and the northerly existing right-of-way line for Glades Road (S.R. 808); thence N 89'59'38" E, along said right-of-way line, a distance of 75.10 feet to the POINT OF BEGINNING.

Subject to those easements, rights-of-way, and restrictions of record.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH /ZONING



Petition Number: 78-253(A)

Zoning Quad Page _____

Date: 9/26/96



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-78-1587 (Petition 78-253), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 26, 1996. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN (AUTO SERVICE STATION)

1. All exterior storage areas and mechanical or electrical equipment shall be screened from view on all sides so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)
3. The auto service station kiosk shall be limited to 225 square feet of floor area. (DRC: ZONING)
4. Prior to final site plan certification, the site plan shall be amended to reflect the following:
 - a) redesign auto service station queuing areas so that stacking of vehicles beyond 30 feet does not encroach into shopping center's internal circulation aisles;
 - b) provide unobstructed internal circulation throughout the site. (DRC: ZONING)

C. LANDSCAPING

1. All canopy trees required to be planted by this approval shall meet the following ~~minimum~~ standards at time of installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE (APPROXIMATELY 165 FEET WEST FROM EAST ACCESS ALONG AUTO SERVICE STATION FRONTAGE ON GLADES ROAD)

1. Landscaping and buffering along the south property line shall include:
 - a. minimum twenty(20) foot wide landscape buffer strip;
 - b. continuous two (2) foot high berm with the height of the **berm** measured from the top of curb;
 - c. one (1) canopy tree planted every twenty (20) feet on center;
 - d. one (1) palm or pine tree for each thirty(30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - e. twenty four (24) inch high shrub or hedge material installed on the plateau of the **berm**. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of twenty-four (24) inches. (CO/ONGOING;LANDSCAPE/CODE ENF - Zoning)

E. ENGINEERING

1. Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County eighty (80) feet from the centerline of Glades Road (S.R. 808) for the ultimate right-of-way. (Previously Condition 1 of Resolution R-78-1587, Petition 78-253)
2. Petitioner shall construct:
 - a. A three-lane section on Glades Road between Boca Rio Road and the west entrance to provide left turn lanes at each of the project's entrances.
 - b. Dual approach lanes, north approach, at the project's center entrance and at the project's east entrance at the intersection with Glades Road. (Previously Condition 2 of Resolution R-78-1587, Petition 78-253)
3. Petitioner shall pay pro-rate share for the signalization of the intersection of Boca Rio Road and Glades Road when warranted as determined by the County Engineer. (Previously Condition 3 of Resolution R-78-1587, Petition 78-253)
4. Developer shall contribute Thirty-Nine Thousand Nine Hundred Eighty Five Dollars (\$39,985) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a Certificate of ~~occupancy~~. However, if a valid impact fee ordinance is adopted, the developer shall be subject to the provisions of that ordinance. (Previously Condition 4 of Resolution R-78-1587, Petition 78-253)

5. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous; or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENG)

6. LANDSCAPE WITHIN MEDIAN

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping there adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

F. LANDSCAPING ALONG EAST INTERNAL PERIMETER BUFFER OF SERVICE STATION (APPROXIMATELY 145 FEET FROM GLADES ROAD ABUTTING LOADING AND DUMPSTER AREA)

1. Landscaping and buffering along the east internal buffer strip shall include:
 - a. one (1) canopy tree planted every twenty (20) feet on center;
 - c. one (1) palm or pine tree for each thirty(30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - d. twenty four (24) inch high shrub or hedge material shall be installed. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of twenty-four (24) inches. (CO/ONGOING: LANDSCAPE /CODE ENF - Zoning)

G. LANDSCAPING - INTERIOR (AUTO SERVICE STATION ONLY)

1. Landscape islands shall be provided along the rear and side facades of the kiosk structure. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

H. SIGN

1. Point of purchase signs for the auto service station shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 40 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

I. MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board or Palm Tran. (DRC: ZONING)
- B. Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (October 24, 1993) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

J. PARKING

1. Prior to final Development Review Committee (DRC) certification, the two (2) parking spaces located at the southwest corner of the service station shall be reflected as reserved for employees only. (DRC: ZONING)

K. USE LIMITATION

1. Use of the auto service station shall be limited to gas sales only. Additional business activities or vendors shall not be allowed on the site. (ONGOING: CODE ENF - Zoning)

L. COMPLIANCE

1. 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; 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 ULDC 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)