

RESOLUTION NO. R-2015- 1533

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-02509
(CONTROL NO. 2002-00032)
a Development Order Amendment
APPLICATION OF Sunoco Inc R & M
BY Jon E Schmidt & Associates, AGENT
(Holloway Properties 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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2014-02509 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 2015;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2014-02509, the application of Sunoco Inc R & M, by Jon E Schmidt & Associates, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, and modify Conditions of Approval (Signs), 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2015.

Filed with the Clerk of the Board of County Commissioners on October 26th, 2015

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

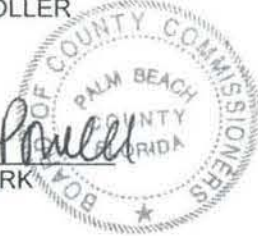


EXHIBIT A
LEGAL DESCRIPTION

PROPERTY CONTROL NUMBERS

00-42-43-34-08-001-0000

LEGAL DESCRIPTION

ALL OF THE PLAT OF HOLLOWAY PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 124, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

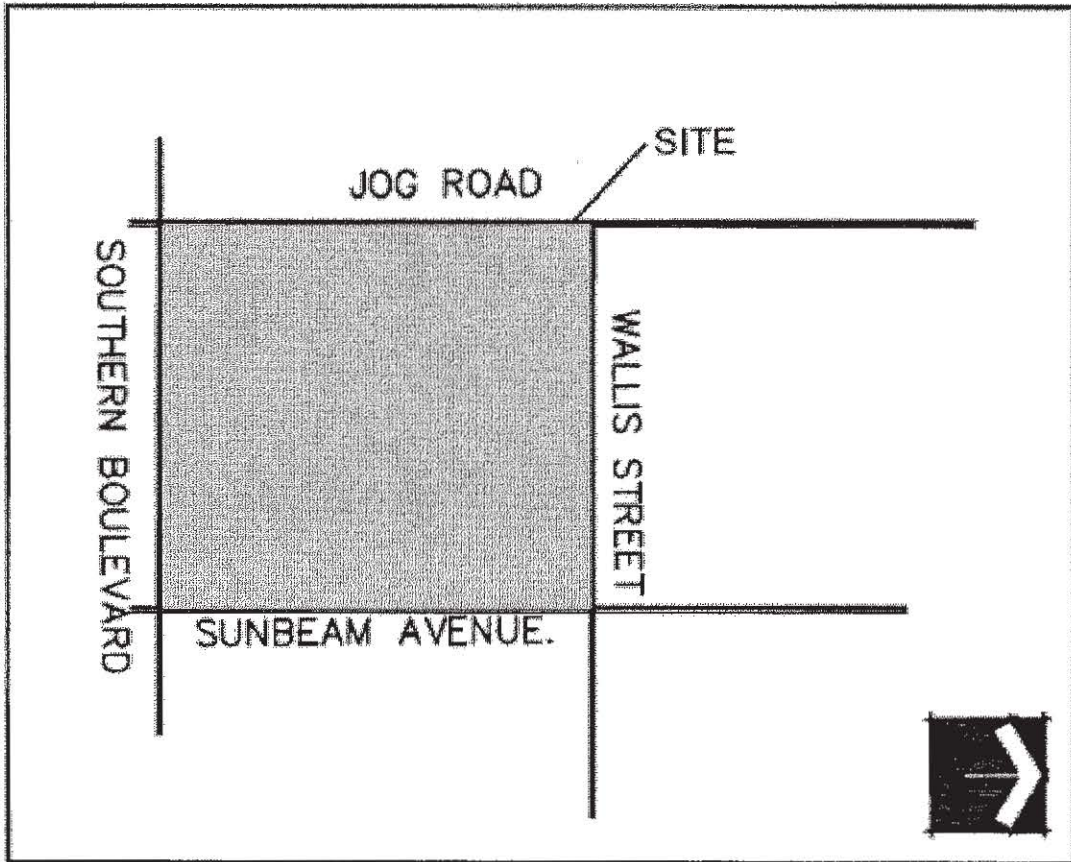


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2008-471, Control No.2002-00032, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Development plan is dated December 26, 2007. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 13, 2015. 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-2008-0471 (Control 2002-00032), 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: ZONING – Zoning)

ARCHITECTURAL REVIEW

1. Gas station canopy design shall be consistent with the following standards:

- a. a maximum height of twenty-five (25) feet with a pitched roof. Roofs shall be peaked or hip on deck with a minimum slope of 4:12 and a maximum slope of 6:12. The fascia for any canopy may not exceed twenty percent (20%) of the overall roof height;
- b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- c. all lighting for the gas station canopy shall be recessed; and,
- d. canopy signage shall be limited to a maximum of one (1) wall sign (recommend one and a maximum of 2 signs facing road frontages) sign per right-of-way frontage with a maximum height of eighteen (18) inches. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2008-471, Control No.2002-00032)

BUILDING AND SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO: CODE ENF - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2008-471, Control No.2002-00032)

ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road.

This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips"

where appropriate as determined by the County Engineer. 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. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Wallis Road, 40 feet from centerline on or before June 15, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include provisions for Expanded Intersection Details and "Corner Clips" at Wallis Road and Sunbeam Avenue (BLDGPMT/DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2008-471, Control No.2002-00032)

3. The Property owner shall construct:

- a. A left turn lane East Approach on Wallis Road at Jog Road;
- b. Right turn lane South Approach on Jog Road at Projects Entrance;
- c. Right turn lane west Approach on Wallis Road at Projects Entrance;
- d. Wallis road from Jog Road to the projects east property line.

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.

Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2008-471, Control No.2002-00032)

4. Construction of improvements listed in Condition E.3 above shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2008-471, Control No.2002-00032)

5. Previous ENGINEERING Condition 5 of Resolution R-2008-471, Control No.2002-00032, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits shall be issued until construction has begun for Southern Boulevard as an 8 lane section from State Road 7 to Congress Avenue plus the appropriate paved tapers.
- b. No Building Permits for the site may be issued after January 1, 2009. 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 Section 5.8 of the Unified Land Development Code.

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits shall be issued until construction has begun for Southern Boulevard as an 8 lane section from State Road 7 to Congress Avenue plus the appropriate paved tapers. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. No Building Permits for the site may be issued after December 31, 2018. 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 Section 5.8 of the Unified Land Development Code. (BLDGPM/DATE: MONITORING - Engineering)

6. PROJECT SIGNALIZATION

- a. Prior to the issuance of any further Building Permits the developer shall provide acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division for the installation of a traffic signal at Jog Road and Wallis Road. (BLDGPM: MONITORING - Engineering).
- b. In order to request release of the surety for the traffic signal at Jog Road and Wallis Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Jog Road and Wallis Road. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2008-471, Control No.2002-00032)

7. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2008-471, Control No.2002-00032)

8. Prior to DRC approval of the final site plan the property owner shall abandon the underlying Robert Street road right-of-way that falls within the Boundary of this site. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2008-471, Control No.2002-00032)

9. Previous ENGINEERING Condition 9 of Resolution R-2008-471, Control No.2002-00032, which currently states:

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Jog Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County Commissioners approval, and the petitioner shall contribute to the County's beautification program as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Jog Road. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame. [Note: Completed]

Is hereby amended to read:

The Property Owner agreed to a condition to design, install and perpetually maintain the median landscaping within the median of Jog Road. This landscaping shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program.

The landscaping was installed by FDOT with the modifications to Jog Road, and the County currently maintains the landscaping in conformance with its OTIS program along this project's frontage. This was completed prior to the Property Owner installing this landscaping and irrigation. The option for the Property Owner to install and maintain shall no longer be available without Board of County commissioners approval, and the Property Owner shall contribute to the County's beautification program as outlined in the second part of this condition, as follows:

a. Prior to the issuance of a building permit, the Property Owner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Jog Road. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists or from time to time may be amended. (BLDGPM: MONITORING - Engineering)

LANDSCAPE - STANDARD

1. Fifty (50) 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;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2008-471, Control No.2002-00032)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights.

Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches large shrub; and
- d. This condition shall not apply where a single row of shrubs is required along either side of a fence or wall. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2008-471, Control No.2002-00032)

4. All trees and palms shall be planted in a meandering and naturalistic pattern, excluding palm trees planted along either side of the project's main entrance from Jog Road. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2008-471, Control No.2002-00032)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 5 of Resolution R-2008-471, Control No.2002-00032)

6. Prior to final DRO approval, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 6 of Resolution R-2008-471, Control No.2002-00032)

ZONING - LANDSCAPING-LANDSCAPING ALONG NORTH, SOUTH, EAST AND WEST PROPERTY LINES (FRONTAGES OF WALLIS ROAD, SOUTHERN BOULEVARD, SUNBEAM AVENUE AND JOG ROAD)

7. Landscaping and buffering along the north, south, east and west property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted. No easement encroachment shall be permitted along the south, east and west property lines;
- b. A continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse utility easements or to accommodate pedestrian walkways and/or existing vegetation;
- c. One (1) native canopy tree for each thirty (30) feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Credit may be given for existing pine trees and existing/relocated palm trees;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2008-471, Control No.2002-00032)

LANDSCAPE - INTERIOR

8. Foundation planting or grade level planters shall be provided along the north, south and west facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than forty (40%) percent of the total length of each side of the structure;
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover; and
- d. This condition does not apply to the car wash building or the south side of the retail building. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous

9. Landscaping for terminal islands in the parking area shall consist of the following:

- a. One (1) canopy tree for each ten (10) linear feet of the island; and,
- b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2008-471, Control No.2002-00032)

10. A landscape buffer strip shall be provided along the western edge of the dry detention area and shall include the following:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. A six (6) foot high opaque concrete panel wall, the wall shall measure a minimum of five hundred and fifty (550) linear feet. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- c. One (1) canopy tree, multi-trunk or flowering tree planted for each twenty (20) linear feet of the landscape buffer, alternating on both sides of the wall and shall be grouped in a naturalistic pattern;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall and shall be grouped in a naturalistic pattern;
- e. One (1) small shrub for each two (2) linear feet of landscape buffer. Shrub shall be a minimum height of twenty-four (24) inches at installation, planted on both sides of the wall. The row of shrubs located on the western side of the required wall shall be exempted from the naturalistic planting pattern. The row of shrubs located on the eastern side of the wall shall be planted pursuant to Landscaping - Interior Condition 10.g.;
- f. One (1) medium shrub for each four (4) linear feet of landscape buffer. Shrub shall be a minimum height of twenty-four (24) inches at installation, planted on the eastern side of the wall pursuant to Landscaping - Interior Condition 10.g.;
- g. Boulders shall be provided on both edges of the dry detention area to create a naturalistic pattern. Shrubs/groundcover and/or ornamental grasses shall be planted adjacent or in between the boulders; and
- h. Prior to final DRO approval of the site plan, the petitioner shall submit to the Landscape Review Section a planting plan showing the requirements pursuant to Landscaping - Interior Condition 10.a. to 10.g. (BLDGPM/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 10 of Resolution R-2008-471, Control No.2002-00032)

11. Landscaping in the divider median (approximately one hundred and eighty (180) linear feet in length) located between the carwash drive isle and the access driveway from Wallis Road shall consist of the following:

- a. One (1) native canopy tree, multi-trunk or flowering tree for each twenty (20) linear feet of divider median;
- b. One (1) shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and shall be maintained at a maximum height of thirty (30) inches at maturity,
- c. Shrubs shall be exempted in areas where fire hydrants, light poles, and any above or underground utilities are located. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 11 of Resolution R-2008-471, Control No.2002-00032)

12. Landscaping in the divider median (approximately one hundred and forty (140) linear feet in length) located adjacent to the queuing lane of the fast-food restaurant shall consist of the following:

- a. One (1) native canopy tree, multi-trunk or flowering tree for each twenty (20) linear feet of divider median;
- b. One (1) shrub for each two (2) linear feet of divider median. Shrub shall be a minimum

height of twenty-four (24) inches at installation; and shall be maintained at a maximum height of thirty (30) inches at maturity,

c. Shrubs shall be exempted in areas where fire hydrants, light poles, and any above or underground utilities are located. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 12 of Resolution R-2008-471, Control No.2002-00032)

13. A total of six (6) trees, three (3) palms, and three (3) green button wood) are to be relocated on site in locations approved by the Landscape Section. (BLDGPM: ZONING - Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures be setback ninety (90) feet from the east property line. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. All outdoor lighting shall be extinguished one-half hour after business hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2008-471, Control No.2002-00032)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN – Palm Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING – Palm Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2008-471, Control No.2002-00032)

PLANNING

1. Per SCA 2002-011, ORD 2003-003: the easternmost seventy-five (75) feet of the site shall be cross-hatched. Parking shall be prohibited in the cross-hatched area. There shall be no commercial intensity and/or square footage associated with the cross-hatched area. (ONGOING: PLANNING - Planning)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2008-471, Control No.2002-00032, which currently states:

Freestanding signs shall be limited as follows:

- a. Maximum sign height: ten (10) feet;
- b. Maximum total sign face area per sign: one-hundred (100) square feet;
- c. Maximum number of signs: two (2);
- d. Location: Jog Road frontage only;
- e. Style: monument; and
- f. Signs shall be limited to tenant identification only, with exception to any state requirements for gas station advertising.

Is hereby amended to read:

Freestanding signs shall be limited as follows:

- a. Maximum sign height: ten (10) (southwest sign) and fifteen (15) feet (northwest sign);

- b. Maximum total sign face area per sign: one-hundred (100) square feet;
- c. Maximum number of signs: two (2);
- d. Location: Jog Road frontage only;
- e. Style: monument; and
- f. Signs shall be limited to tenant identification only, with exception to any state requirements for gas station advertising. (ONGOING: BUILDING DIVISION - Zoning)

2. Previous SIGNS Condition 2 of Resolution R-2008-471, Control No.2002-00032, which currently states:

Wall signs shall be limited to the west facade of the convenience store; and the south and west facades of the fast food restaurant/general retail sales building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to tenant identification only.

Is hereby amended to read:

Wall signs shall be limited to the west facade of the convenience store. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to tenant identification only. (ONGOING: BUILDING DIVISION - Zoning)

3. Signs on Gas Canopy shall be limited to the south and west sides of the canopy. Lettering size shall be limited to twenty-four (24) inches high. Canopy signs shall be limited to identification of tenants only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 3 of Resolution R-2008-471, Control No.2002-00032)

USE LIMITATIONS

1. Gasoline sales shall be limited to a maximum of eight (8) pumps (16 fueling stations). (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. No outdoor retail business activities shall be allowed on site, except for deliveries for all uses and gasoline sales. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2008-471, Control No.2002-00032)

3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2008-471, Control No.2002-00032)

4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2008-471, Control No.2002-00032)

5. Overnight parking of delivery vehicles or trucks shall not be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2008-471, Control No.2002-00032)

6. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2008-471, Control No.2002-00032)

UTILITIES

1. Previous UTILITIES Condition 1 of Resolution R-2008-471, Control No.2002-00032, which currently states:

If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

Is hereby deleted. [REASON: No longer applicable.]

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning) (Previous ZONING COMPLIANCE Condition 1 of Resolution R-2008-471, Control No.2002-00032)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other Zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (Previous ZONING COMPLIANCE Condition 2 of Resolution R-2008-471, Control No.2002-00032)

DISCLOSURE

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