

RESOLUTION NO. R-2016- 1562

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-02507
(CONTROL NO. 2003-00087)
a Requested Use
APPLICATION OF 7-Eleven Inc.
BY Gunster, Yoakley & Stewart, PA, AGENT
(7-Eleven Lake Worth Road)

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

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

WHEREAS, Zoning Application ZV/DOA/R-2015-02507 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2016;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Requested Use;

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

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

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA/R-2015-02507, the Application of 7-Eleven Inc., by Gunster, Yoakley & Stewart, PA, Agent, for a Requested Use to allow a Convenience Store with gas sales, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 27, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2016.

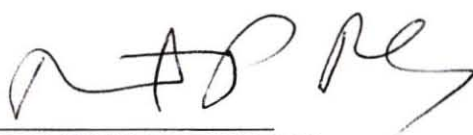
Filed with the Clerk of the Board of County Commissioners on October 31st, 2016

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

PARCEL 1:

THAT PORTION OF THE PLAT OF PARADISE SQUARE PROFESSIONAL PLAZA, M.U.P.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 104, PAGES 157 AND 158, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, FORMERLY BEING A PORTION OF TRACT 121, BLOCK 23, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 121, BLOCK 23, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PALM BEACH, COUNTY, FLORIDA;
THENCE NORTH 90°00'00" WEST, ALONG THE NORTH LINE OF SAID TRACT 121, A DISTANCE OF 295.00 FEET;
THENCE SOUTH 00°00'00" WEST, ALONG THE EAST RIGHT OF WAY LINE OF NASSAU DRIVE, A DISTANCE OF 313.97 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 00°00'00" WEST, ALONG SAID EAST LINE OF NASSAU ROAD, A DISTANCE OF 258.95 FEET;
THENCE SOUTH 44°59'21" EAST, A DISTANCE OF 42.43 FEET;
THENCE SOUTH 89°58'41" EAST, ALONG THE NORTH RIGHT OF WAY LINE OF LAKE WORTH ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGE 127, OF SAID PUBLIC RECORDS, A DISTANCE OF 175.06 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 5669.58 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF 00°16'33", A DISTANCE OF 27.30 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIAL BEARING OF NORTH 44°49'04" WEST AND A RADIUS OF 30.00 FEET;
THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°13'43", A DISTANCE OF 23.68 FEET TO A POINT OF TANGENCY;
THENCE NORTH 00°02'48" WEST, A DISTANCE OF 20.87 FEET;
THENCE NORTH 00°53'44" EAST, A DISTANCE OF 60.82 FEET;
THENCE NORTH 00°02'48" WEST, A DISTANCE OF 176.19 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10.00 FEET;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET TO A POINT OF TANGENCY;
THENCE SOUTH 89°57'12" WEST, A DISTANCE OF 232.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THOSE CERTAIN NON-EXCLUSIVE RECIPROCAL EASEMENTS FOR INGRESS, EGRESS, PARKING, DRAINAGE AND UTILITIES, WHICH BENEFIT THE WALGREEN PARCEL, AS CREATED BY RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 18213, PAGE 1337, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

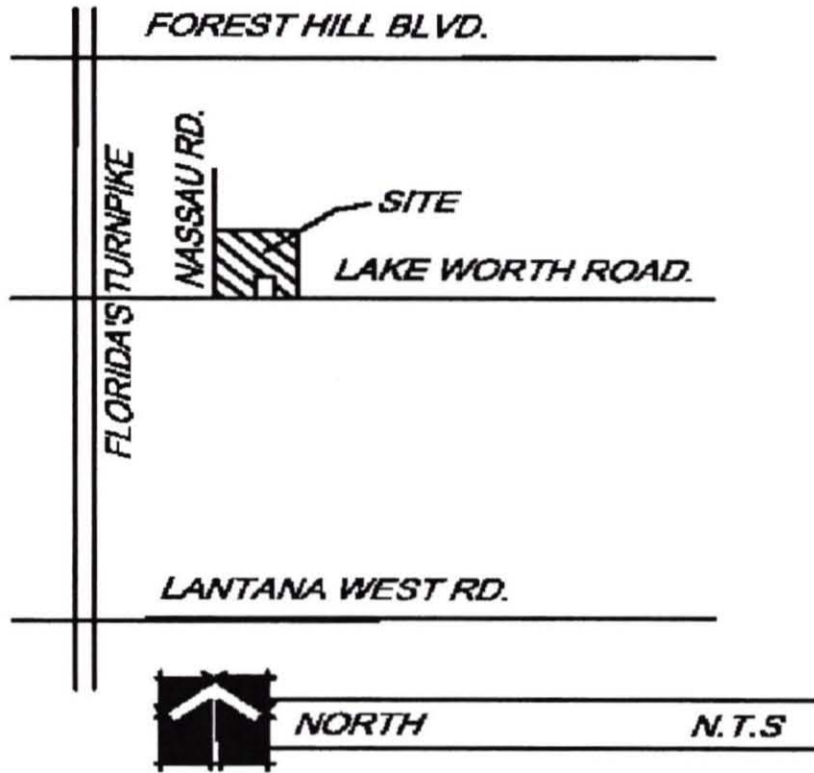


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 2, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Convenience Store with Gas Sales 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) and shall be generally consistent with the Architectural Elevations dated August 2, 2016. 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)

2. At time of submittal for final approval by the Development Review Officer (DRO) the floor plan shall be amended to illustrate how the Convenience Store is separated from the Retail Use with a permanent concrete wall separation (DRO: ZONING - Zoning)

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

- a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted;
- the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- lighting for the gas station canopy shall be flush mounted or recessed; and,
- a maximum of one (1) canopy sign on the south, and west sides of the canopy only. (DRO: ZONING - Zoning)

ENGINEERING

1. The Property Owner shall construct a right turn lane east approach on Lake Worth Road at the project's westernmost driveway. This construction shall be concurrent with the paving and drainage improvements for Phase II. 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.

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

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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:

- 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: ZONING - Zoning)

DISCLOSURE

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