

RESOLUTION NO. R-2017- 0002

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-02348
(CONTROL NO. 1977-00048)
a Requested Use
APPLICATION OF First Coast Energy LLP
BY Dunay, Miskel, Backman and Blattner, LLP, AGENT
(Western Plaza -First Coast Energy Convenience Store No. 2719)

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-2015-02348 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2017;

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-2015-02348, the Application of First Coast Energy LLP, by Dunay, Miskel, Backman and Blattner, LLP, 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 January 5, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 5, 2017.

Filed with the Clerk of the Board of County Commissioners on January 18th, 2017.

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
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, STATE OF FLORIDA, SAID PARCEL LYING WITH THE PLAT OF PALM BEACH FARMS COMPANY NUMBER 3, BEING A PORTION OF TRACT 22, BLOCK 8 OF SAID PLAT, RECORDED IN PLAT 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF SAID COUNTY, AND A PORTION OF THE 60.00 FEET IN WIDTH CANAL RESERVATION AND THE 25.00 FEET IN WIDTH ROAD RIGHT-OF-WAY LYING ADJACENT TO THE WEST LINE OF TRACT 22, ALL BETWEEN BLOCKS 8 AND 9 OF SAID PLAT, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE PURPOSE OF THIS DESCRIPTION THE WEST LINE OF PLAT OF WESTWOODS, P.U.D. FROM LOT 40 TO LOT 49, INCLUSIVE, OF SAID PLAT BEARS SOUTH 02 DEGREES 58 MINUTES 25 SECONDS WEST AS SHOWN IN SAID PLAT RECORDED IN PLAT BOOK 34, AT PAGES 131 THROUGH 134 OF THE PUBLIC RECORDS OF SAID COUNTY, AND ALL BEARINGS RECITED HEREIN ARE RELATIVE THERETO:

COMMENCING AT THE NORTHWEST CORNER OF SAID PLAT OF WESTWOODS P.U.D., BEING ALSO THE INTERSECTION OF THE WEST LINE OF SAID PLAT WITH THE SOUTH RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-51, WEST PALM BEACH CANAL; THENCE NORTH 88 DEGREES 29 MINUTES 34 SECONDS WEST ALONG SAID SOUTH RIGHT- OF- WAY LINE C-51, CANAL A DISTANCE OF 875.09 FEET, MORE OR LESS TO THE WEST LINE OF SAID SECTION 6; THENCE SOUTH 01 DEGREES 53 MINUTES 41 SECONDS WEST ALONG SAID WEST LINE OF SECTION 6 A DISTANCE OF 609.63 FEET TO THE POINT OF BEGINNING; THENCE TRAVERSING ALONG THE FOLLOWING FOUR (4) NUMBERED COURSES AND DISTANCES;

1. CONTINUE SOUTH 01 DEGREES 53 MINUTES 41 SECONDS WEST ALONG SAID WEST LINE OF SECTION 6 A DISTANCE OF 206.01 FEET
2. SOUTH 88 DEGREES 32 MINUTES 09 SECONDS EAST, DEPARTING FROM SAID WEST LINE OF SECTION 6 A DISTANCE OF 206.13 FEET
3. NORTH 01 DEGREES 27 MINUTES 51 SECONDS EAST A DISTANCE OF 206.00 FEET
4. NORTH 88 DEGREES 32 MINUTES 09 SECONDS WEST A DISTANCE OF 204.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.971 ACRES, MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT SET FORTH IN THAT CERTAIN EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND RECORDED DECEMBER 7, 1989 IN OFFICIAL RECORDS BOOK 6284, PAGE 1519, AS SUBSEQUENTLY AMENDED.

EXHIBIT B
VICINITY SKETCH

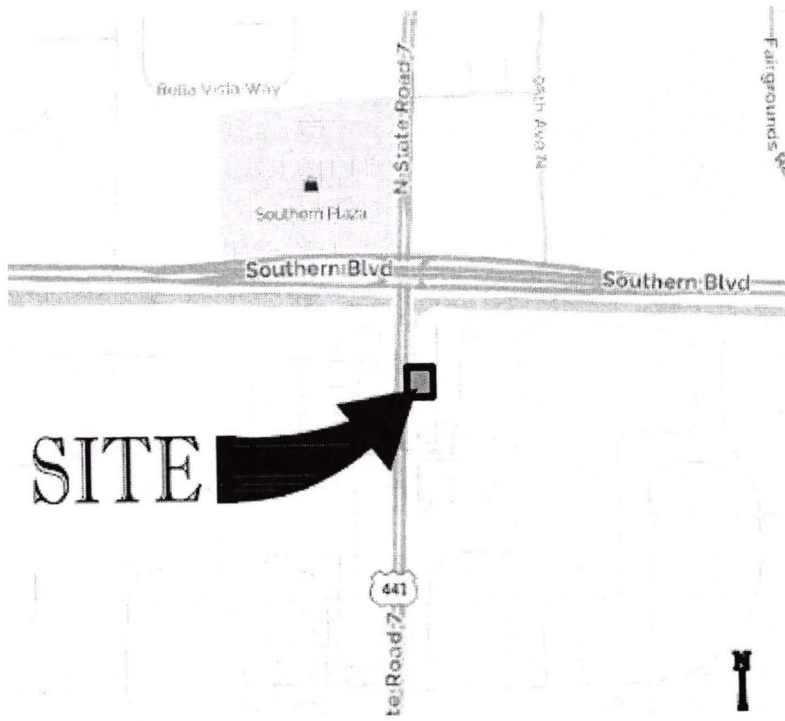


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

Convenience Store with Gas Sales

ALL PETITIONS

1. The approved Site Plan is dated October 21, 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 and 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) and shall be generally consistent with the Architectural Elevations dated November 15, 2015. 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. 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. No flat roof shall be permitted;
 - c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
 - d. lighting for the gas station canopy shall be flush mounted or recessed; and,
 - e. a maximum of 3 canopy sign on the north, east and west sides of the canopy only.
- (DRO: ZONING - Zoning)

3. Prior to 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 Gas Station facility shall provide air and water to the public at no charge. (DRO/ONGOING: ZONING - Code Enforcement)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

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

- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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