

RESOLUTION NO. R-2000- 0120

RESOLUTION APPROVING ZONING PETITION CA99-029
CLASS A CONDITIONAL USE
PETITION OF MONADYLINA PROPERTIES INC.
BY ROBERT BASEHART, AGENT
(STOP & SHOP)

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA99-029 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA99-029, the petition of Monadylina Properties Inc., by Robert Basehart, agent, for a Class A Conditional Use (CA) to allow a convenience store with gas sales and expansion of indoor entertainment and office use in the Agricultural Reserve (AGR) Zoning District, 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 January 27, 2000, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2000.

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

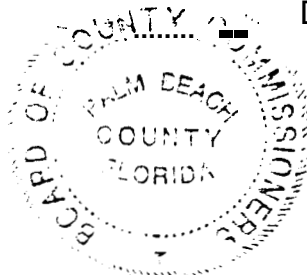


EXHIBIT A
LEGAL DESCRIPTION

THE NORTH **420.00 FEET** OF THE WEST **477.80 FEET** OF TRACT 1 BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

A PORTION OF TRACT 1 BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 41 EAST; THENCE SOUTH $88^{\circ}44'06''$ WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 6.77 FEET TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH $00^{\circ}18'44''$ EAST ALONG SAID BASELINE OF SURVEY A DISTANCE OF 2.58 FEET; THENCE SOUTH $00^{\circ}39'54''$ EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 57.24 FEET; THENCE SOUTH $89^{\circ}20'06''$ WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 235.08 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (US 441); AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH $00^{\circ}34'56''$ EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 420.01 FEET; THENCE SOUTH $89^{\circ}06'45''$ WEST, A DISTANCE OF 51.42 FEET; THENCE NORTH $00^{\circ}47'54''$ WEST, A DISTANCE OF 420.01 FEET; THENCE NORTH $89^{\circ}06'45''$ EAST ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 53.00 FEET TO THE POINT OF BEGINNING

CONTAINING 2.0680 HECTARES (5.1103 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

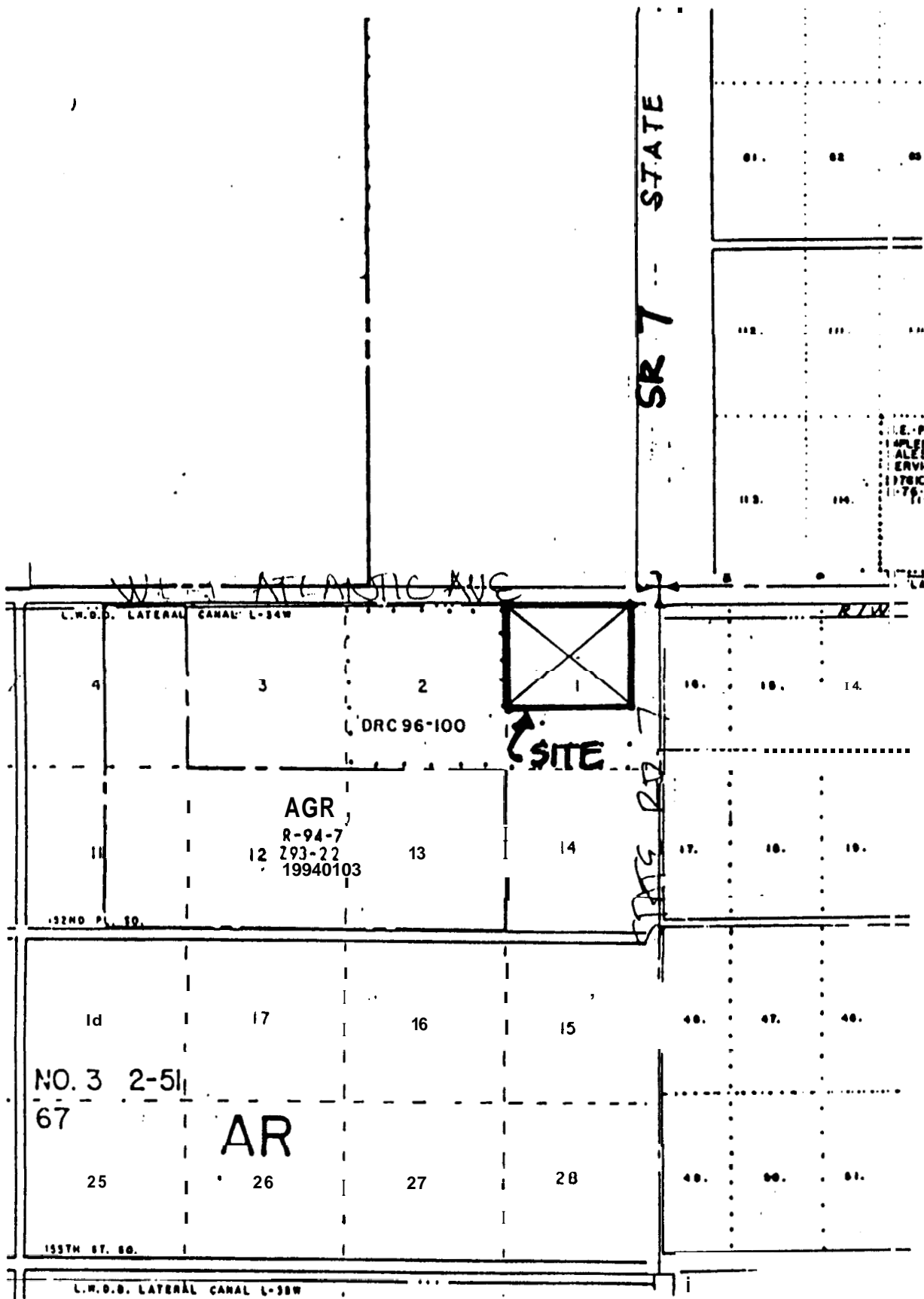


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 January 26, 2000. 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. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
2. The proposed buildings and gas station canopies shall be designed and constructed to be consistent with the architectural elevations by Kenneth Carlson, Architect, P.A. dated January 7, 2000. (BLDG PERMIT: BLDG - Zoning)
3. Gas station canopies shall be designed consistent with the following standards:
 - a. A pitched roof with a minimum slope of 5:12;
 - b. Maximum height of twenty-five (25) feet from finished grade to top of the roof;
 - c. The clearance of each canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
 - d. Lighting for the canopies shall be flush mounted or recessed; and,
 - e. No canopy signage shall be permitted.

All canopy heights shall include air conditioning and mechanical equipment and satellite dishes and be measured from finished grade to the highest point. (BLDG PERMIT/CO: BLDG - Zoning)

4. All proposed canopies shall have a pitched roof which are consistent to the roof treatment with the principal structures. Consistency shall include, but not limited to, roof pitch, roof color and roof materials. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 7,000 square feet with the following breakdown:
 - a. convenience store with gas sales - 3,000 square feet;
 - b. office - 2,500 square feet; and
 - c. pool hall - 1,500 square feet.(DRC: ZONING)
2. The maximum height for all structures (except for the gas canopies), including air conditioning, mechanical equipment and satellite dishes, measured from finished grade to the highest point shall be one story and not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG-Zoning)

3. All air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG-Zoning)
4. Restroom facilities shall be accessed only from the interior of the building. (BLDG PERMIT: BLDG - Zoning)
5. A non-mountable curb shall be provided along the non-vehicular use area of the entire site as indicated on site plan dated January 26, 2000. (BLDG PERMIT: BLDG - Zoning)
6. Prior to DRC final certification of the site plan, the petitioner shall revise the site plan to reflect the following:
 - a. Provide a minimum five (5) foot wide median excluding curbs with planting at the access point along SR7/US441. (DRC: ZONING)

D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to the final site plan approval. (DRC: HEALTH)
2. Application and engineering plans to construct a non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a 40 foot corner clip at the intersection of West Atlantic Ave & SR 7. (BLDG PERMIT: MONITORING-Eng)
2. In order to comply with the mandatory Traffic Performance Standards the Developer shall be restricted to the following phasing schedule:

Building Permits for only the 12 fueling position gas station & 936 square feet of convenience store (1022 ext trips/day) shall be issued until construction has begun for:

 - a. SR 7 as a 6 lane section from West Atlantic Ave to Clint Moore Road (BLDG PERMIT: MONITORING-Eng)
3. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if 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. (DATE: MONITORING:Eng)

4. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- 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 the adjacent median of SR 7 right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme 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 standard 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 landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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 prior February 1, 2001. (DATE: MONITORING-Eng)
- c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. All perimeter canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade
 - 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.

- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE-Zoning)
- 2. All palms 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. (CO: LANDSCAPE-Zoning)
- 3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING SR7/US441 AND WEST ATLANTIC AVENUE)

- 1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip (except in area where air, water, vacuum stations are located);
 - b. A minimum three (3) foot high continuous berm measured from the finished grade to top of berm;
 - c. One (1) canopy tree planted every thirty (30) 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 between clusters; and,
 - e. Twenty four (24) inch high shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at thirty six (36) inches high. A minimum of 40 % of the above shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING PROFANE GAS SALES)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at seventy two (72) inches high. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING POST OFFICE)

- 1. Landscaping and buffering along the west property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and

- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at seven y two (72)inches high. (CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
- 2. Landscaping shall be provided in the open space area west of the western vehicular driveway and south of the loading/oversized vehicle parking and shall include the following:
 - a. A minimum of eleven (11) canopy trees with a maximum spacing of thirty (30) feet on center;
 - b. A minimum of nine (9) palms, in groups of three (3). (CO: LANDSCAPE)
- 3. Foundation planting or grade level planters shall be provided along the front and side facades of all structures (excluding area under canopy) to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - 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. (DRC / CO: ZONING / LANDSCAPE:)
- 4. Landscaping shall be provided in the area west of the Convenience store and shall include the following:
 - a. The minimum planting area shall be fifteen (15) feet in width x sixty (60) feet in length;
 - b. A minimum of three (3) canopy trees with a maximum spacing of thirty (30) feet;
 - c. A minimum of six (6) palms, in groups of three (3);
 - d. Appropriate ground cover shall also be installed in the entire planting area. (CO: LANDSCAPE)
- 5. Landscaping shall be provided in the area on both sides of the access driveway adjacent to SR7/US441 and shall include the following on each side:
 - a. A minimum of two (2) canopy trees with a maximum spacing of thirty (30) feet;
 - b. A minimum of three (3) palms. (CO: LANDSCAPE)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. SIGNS

1. Freestanding point of purchase sign 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 - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and
 - e. Location - intersection of SR7/US441 and Atlantic Avenue. (CO/BLDG PERMIT: BLDG)
2. Wall signage shall not be permitted on the south and west facades of the Convenience store and the Pool Hall/Office building. (CO/BLDG PERMIT: BLDG)
3. No advertising flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning).
4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

M. USE LIMITATIONS

1. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF)
2. No overnight parking of trucks and trailers shall be permitted on site. (ONGOING: CODE ENF)
3. The owner of the gas sales facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)
4. Parking of oversized vehicles or trucks shall not be permitted on site except within the designated spaces as indicated on the site plan dated November 23, 1999. (ONGOING: CODE ENF)
5. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
6. Outdoor retail activities or vendors shall not be allowed on site. (ONGOING: CODE ENF - Zoning)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)



Department of Planning,
 Zoning & Building
 100 Australian Avenue
 West Palm Beach, FL 33406
 (561) 233-5000
 www.co.palm-beach.fl.us



**Palm Beach County
 Board of County
 Commissioners**

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson

Tony Masilotti

County Administrator

Robert Weisman

INTER-OFFICE COMMUNICATION
 PALM BEACH COUNTY
 PLANNING, ZONING AND BUILDING

TO: Phyllis House, Minutes Manager
 FROM: William C. Whiteford, Zoning Director *WCW*
 DATE: January 31, 2000 *dy/c*
 RE: Amended Conditions from the January 27, 2000
 BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on January 27, 2000.

The following petitions were amended:

Z99-041	The Enclave Shoppes
PDD99-065	Jog Pines CLF
CA99-029	Stop & Shop

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 Affirmative Action Employer"

