

RESOLUTION NO. R-2001- 1364

RESOLUTION APPROVING ZONING PETITION CA1988-072(B)  
CLASS A CONDITIONAL USE  
PETITION OF SOHIO OIL AND ANN THROGMORTON  
BY SARA LOCKHART, AGENT  
(BP AMOCO)

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 CA1988-072(B) was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; 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 CA1988-072(B), the petition of Sohio Oil and Ann Throgmorton, by Sara Lockhart, agent, for a Class A Conditional Use (CA) to allow a convenience store with gas sales in the Community Commercial (CC) 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 August 23, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2001.

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

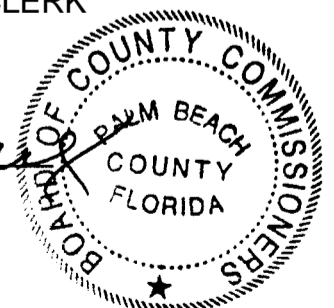


EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION: PARCEL 1**

BEING A PARCEL OF LAND IN TRACT 1 OF THE NORTHWEST 1/4 OF THE MARY A. LYMAN PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE SOUTH 04°39'09" WEST (STATE PLAN GRID DATUM) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 12, A DISTANCE OF 53.10 FEET TO A POINT ON A LINE THAT IS 53.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 12; THENCE NORTH 88°50'22" WEST ALONG SAID PARALLEL LINE 58.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°50'22" WEST, 222.24 FEET; THENCE SOUTH 03°11'52" WEST, 243.72 FEET; THENCE SOUTH 89°10'58" EAST, 222.66 FEET TO A POINT OF NON-TANGENT GOING ON A LINE THAT IS 50.00 FEET WEST OF AND CONCENTRIC WITH THE CENTER LINE OF MILITARY TRAIL (S.R. 809); THENCE NORTHERLY ALONG SAID CONCENTRIC LINE BEING AN ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11,409.16 FEET, A CENTRAL ANGLE OF 01°13'02", A CHORD DISTANCE OF 242.38 FEET BEARING NORTH 03°06'36" EAST; AN ARC DISTANCE OF 242.38 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION: PARCEL 2**

BEING A PARCEL OF LAND IN TRACT 1 OF THE NORTHWEST 1/4 OF THE MARY A. LYMAN PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE SOUTH 04°39'09" WEST (STATE PLANE GRID DATUM) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 12, A DISTANCE OF 53.10 FEET TO A POINT ON A LINE THAT IS 53.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 12; THENCE NORTH 88°50'22" WEST ALONG SAID PARALLEL LINE 280.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°50'22" WEST ALONG SAID RIGHT OF WAY LINE OF HYPOLUXO ROAD FOR 35.12 FEET; THENCE SOUTH 03°11'52" WEST FOR A DISTANCE OF 288.68 FEET; THENCE SOUTH 89°10'58" EAST FOR A DISTANCE OF 240.29 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11392.16 FEET TO WHICH A RADIAL LINE BEARS NORTH 86°03'07" WEST; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY OF MILITARY TRAIL FOR A DISTANCE OF 44.77 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°13'31" TO A POINT; THENCE NORTH 89°10'58" WEST FOR A DISTANCE OF 205.64 FEET; THENCE NORTH 03°11'52" EAST FOR A DISTANCE OF 243.72 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

LEGAL DESCRIPTION

**LESS THE FOLLOWING: (RIGHT OF WAY FOR MILITARY TRAIL)**

BEING A PARCEL OF LAND IN TRACT 1 OF THE NORTHWEST 1/4 OF THE MARY A. LYMAN PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE SOUTH 04°39'09" WEST (STATE PLANE GRID DATUM) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 12, A DISTANCE OF 53.10 FEET TO A POINT ON A LINE THAT IS 53.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 12; THENCE NORTH 88°50'22" WEST ALONG SAID PARALLEL LINE 58.15 FEET TO POINT OF NON-TANGENCY, BEING ON A LINE THAT IS 50.00 FEET WEST OF AND CONCENTRIC WITH THE CENTER LINE OF MILITARY TRAIL (S.R. 809), SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°50'22" WEST ALONG SAID LINE, 42.62 FEET TO A POINT OF CUSP WITH A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTH 43°06'13" EAST ALONG THE CHORD OF SAID 25.00 FEET RADIUS CURVE, A DISTANCE OF 35.80 FEET TO A POINT OF COMPOUND CURVATURE OF SAID 25.00 FOOT RADIUS CURVE, AND BEING ON A CONCENTRIC LINE 67.00 FEET WEST OF THE CENTER LINE OF MILITARY TRAIL (S.R. 809); THENCE SOUTHERLY ALONG SAID CONCENTRIC LINE BEING AN ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11392.16 FEET; A CENTRAL ANGLE OF 01°05'26", A CHORD DISTANCE OF 216.83 FEET BEARING SOUTH 03°10'44" WEST, AN ARC DISTANCE OF 216.83 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89°10'58" EAST, 17.02 FEET TO A POINT BEING ON A LINE THAT IS 50.00 FEET WEST OF AND CONCENTRIC WITH THE CENTER LINE OF MILITARY TRAIL (S.R. 809); THENCE NORTHERLY ALONG SAID CONCENTRIC LINE BEING AN ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11409.16 FEET, A CENTRAL ANGLE OF 01°13'02", A CHORD DISTANCE OF 242.38 FEET, BEARING NORTH 03°06'36" EAST, AN ARC DISTANCE OF 242.38 FEET TO THE POINT OF BEGINNING.

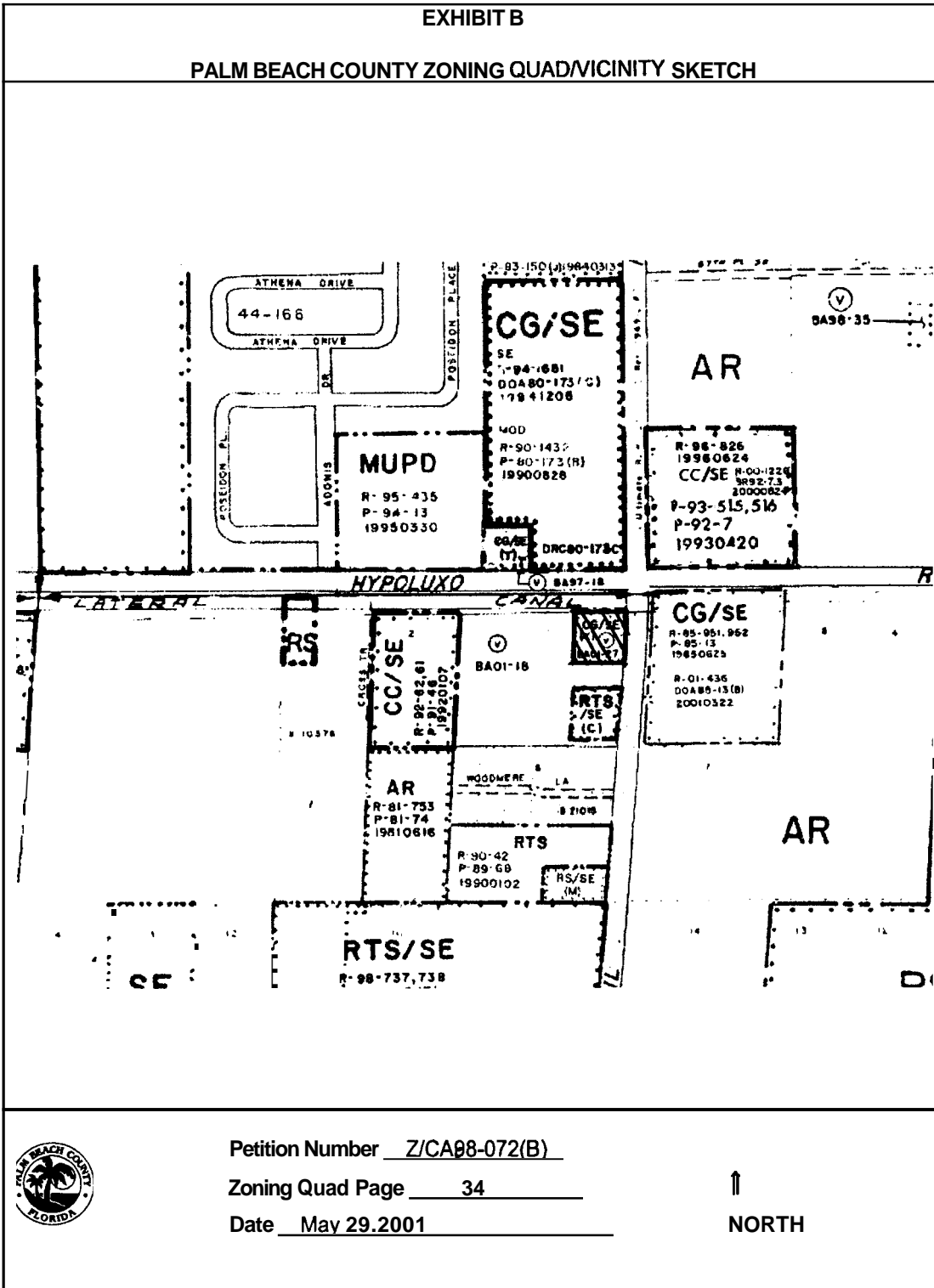
**LEGAL DESCRIPTION: OVERALL PARCEL**

BEING A PARCEL OF LAND IN TRACT 1 OF THE NORTHWEST 1/4 OF THE MARY A. LYMAN PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE SOUTH 04°39'09" WEST (STATE PLANE GRID DATUM) ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 12, A DISTANCE OF 53.10 FEET TO A POINT ON A LINE THAT IS 53.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 12; THENCE NORTH 88°50'22" WEST ALONG SAID PARALLEL LINE 100.77 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°50'22" WEST ALONG THE SOUTH RIGHT OF WAY LINE OF HYPOLUXO ROAD FOR A DISTANCE OF 214.74 FEET; THENCE SOUTH 03°11'52" WEST FOR A DISTANCE OF 288.68 FEET; THENCE SOUTH 89°10'58" EAST FOR A DISTANCE OF 240.29 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL AND THE ARC OF A CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11,392.16 FEET TO WHICH A RADIAL LINE BEARS NORTH 86°03'07" WEST; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY OF MILITARY TRAIL FOR A DISTANCE OF 261.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°18'57" TO A POINT OF TANGENCY; THENCE NORTH 43°06'13" WEST FOR A DISTANCE OF 35.80 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Resolution R-89-912 granting approval of Petition SE1988-072 and Resolution R-89-1053 granting approval of Petition 1988-072A are hereby revoked. (MONITORING)
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 April 25, 2001. 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)
3. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to be consistent with the site plan dated April 25, 2001. (DRC: CONCURRENCY)

#### 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 building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Developments shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. The proposed convenience store building shall be designed and constructed to be generally consistent with the facade elevations by DTI Design Tech International, Inc. dated August 17, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All roof or ground 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)

#### D. CONVENIENCE STORE WITH GAS SALES

1. Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 4,224 square feet with an internal 520 square foot restaurant (6 seats), and 8 gas pumps and a 968 sq. ft. accessory car wash. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

2. Gas station canopies shall be designed consistent with the following standards:
  - a. twenty-five (25) feet maximum height measured from finished grade to the highest point;
  - 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. lighting for the gas station canopy shall be flush mounted or recessed;
  - d. canopy signage shall be limited to a maximum of one (1) sign per right-of-way frontage with a maximum height of eighteen (18) inches; and,
  - e. colors for the gas canopy fascia shall be in the descending order of white, muted green and white. Frames for the solar panels, underside of the gas canopy and the canopy poles shall be beige, and shall be consistent with the beige color of the retail buildings located in the adjacent Hypoluxo Square (Petition 2000-091). (BLDG PERMIT/CO: BLDG - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Hypoluxo Road and Military Trail to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. Prior to March 1, 2002 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
  - a) the construction of a right turn lane on Military Trail at the project's entrance road. This right-OF-way shall be along the project's east property line and shall be 12 feet in width. 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. The 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. (BLDG PERMIT: MONITORING-Eng)
3. Prior to the issuance of a building permit the property owner shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
4. The Property owner shall construct:
  - Right turn lane west approach on Hypoluxo Road at the project's entrance;
  - A) 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.

- B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. LANDSCAPE WITHIN THE MEDIAN OF MILITARY TRAIL AND HYPOLUXO ROAD

- 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 Military Trail
  - provide cutouts within the concrete traffic separator of Military Trail and Hypoluxo Road adjacent to the site

As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. Landscaping shall at a minimum shall consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Street scape Standards. The property owner shall also be responsible for supplementing 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 Street scape 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 for the median cutouts 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' 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 to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's 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. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 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; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
  
2. All palms required to be planted on site by this approval shall be native booted Sabal palms and 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)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (HYPOLUXO ROAD FRONTAGE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. Width reduction and a maximum of five (5) foot of easement encroachment may be permitted as per ULDC requirements;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) palm or pine tree for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of the shrub or hedge materials shall be planted on plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a minimum two and half (2.5) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) palm or pine tree for each twenty (20) linear feet with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained

at a minimum height of thirty-six (36) inches. Fifty (50) percent of the shrub or hedge materials shall be planted on plateau of the berm.  
(CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of the convenience store to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet for the front facade. The minimum width of the required landscape areas shall be eight (8) feet for the side facades;
  - 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)
2. Foundation planting or grade level planters shall be provided along the side facades of the car wash to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet along the south of the car wash and five (5) feet along the north side of the car wash;
  - b. The length of the required landscaped areas shall be 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)

J. 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 lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

K. LWDD

1. Prior to recording of the Plat for the referenced petition, the owner shall convey to the District, by either a warranty deed or an easement, a strip of land whose south line is described as follows: beginning at the southeast corner of Lot 2 as described in the Easement Recorded in ORB 7511 Page 1952, then southeasterly along the projection of the East 206.50 feet of the south line of said easement as described in the aforesaid ORB and Page to the intersection with a line 98 feet south and parallel with the North line of the NW1/4 of Section 12/45/42, thence along a line 98 feet south and parallel to said North line to the west right-of-way line of Military Trail, for the required right-of-way for the L-18 Canal. (PLAT: ENG/LWDD)

L. PARKING

1. Overnight parking of any vehicle or trucks shall not be permitted on the site. (ONGOING: CODE ENF)

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the existing or proposed future location of sidewalks along Military Trail and Hypoluxo Road since this site is within two (2) miles of a school. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with Recommendation #37 of the West Boynton Area Community Plan. To address this recommendation, the site plan shall be revised to include a shaded landscaped pathway/sidewalk system, excluding palm trees, along the sidewalks/walkways fronting Military Trail and Hypoluxo Road and on all of the pedestrian pathways that lead to the access road for Hypoluxo Square, Hypoluxo Road, and Military Trail. The applicant shall also submit cross-section details depicting this shaded landscaped pathway/sidewalk system. (DRC: LANDSCAPE-Planning)

N. SIGNS

1. Freestanding point of purchase sign located on Military Trail and Hypoluxo Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point-eight (8) feet;
  - b. Maximum sign face area per side - 80 square feet; and,
  - c. Maximum number of signs - one (1) on each road frontage. (CO/BLDG PERMIT: BLDG)
2. Canopy signage shall be limited to the north and east sides of the canopy. (CO/BLDG PERMIT: BLDG)
3. Wall signage shall be limited to the east and north facades of the Convenience store, and shall be limited to the following;
  - a. East façade:
    - i. number of wall sign - one (1); and,
    - ii. lettering size of the wall sign shall be limited to eighteen (18) inches;
  - b. North façade:
    - i. number of wall sign - one (1);
    - ii. style - corporate logo type sign; and,
    - iii. maximum size - sixty (60) inches in diameter. (CO/BLDG PERMIT: BLDG)
4. 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)

O. 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 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 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)