

RESOLUTION NO. R-95-1722

RESOLUTION APPROVING ZONING PETITION DOA75-134(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF V.S.H. REALTY, INC.
BY ALFRED MALEFATTO

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA75-134(A) was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA75-134(A) the petition of V.S.H. Realty, Inc. by Alfredo Malefatto, agent, for a Development Order Amendment to amend the site plan and add four (4) gas pumps, to a previously approved convenience store with gasoline sales 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1995, 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 Newell and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	AYE
Burt Aaronson	--	AYE
Maude Ford Lee	--	ABSENT
Karen T. Marcus	--	ABSENT
Mary McCarty	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1995.

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

DEC 6 1995

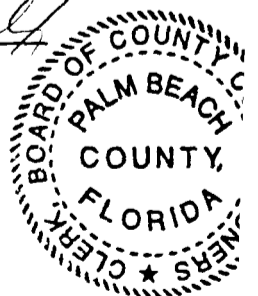


EXHIBIT A

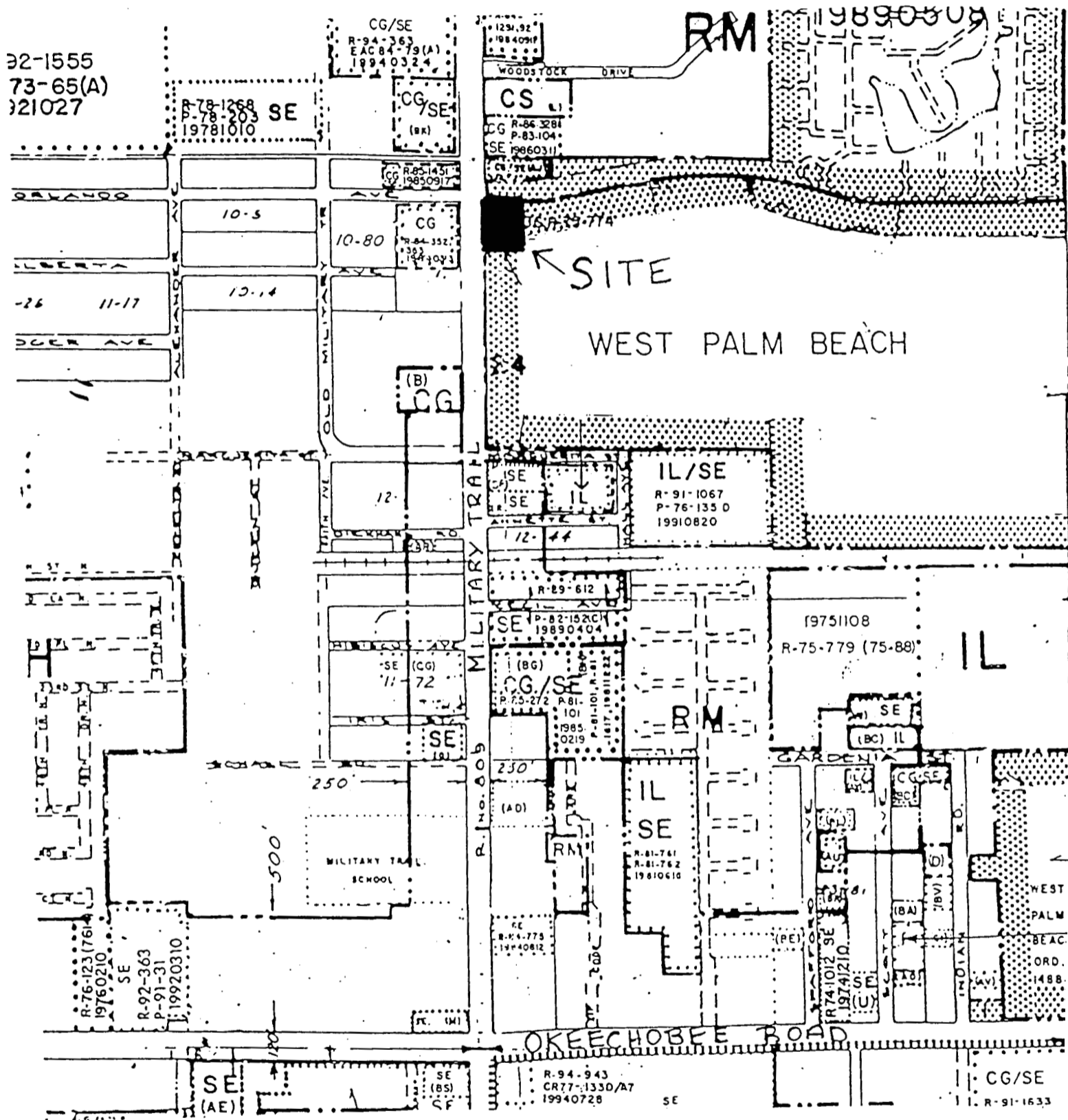
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 43, RANGE 42 EAST; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL AND THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 24; THENCE S.00°02'17"W. ALONG SAID RIGHT OF WAY A DISTANCE OF 204.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SHADOW LAKE DRIVE (27TH COURT NORTH) THENCE S.89°58'44"E. ALONG SAID RIGHT OF WAY LINE FOR 10.00 FEET TO THE POINT OF BEGINNING; THENCE S.89°58'44"E. (DUE EAST BY DEED) PARALLEL TO SAID NORTH LINE OF SOUTH 1/2 ALONG SAID RIGHT OF WAY A DISTANCE OF 40.10 FEET TO A POINT OF CURVATURE; THENCE CONTINUE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING FOR ~~S~~ ELEMENTS A RADIUS OF 1,960.08 FEET AND A CENTRAL ANGLE OF 4'49'35" FOR A DISTANCE OF 165.11 FEET TO A POINT; THENCE S.00°07'17"W. A DISTANCE OF 206.94 FEET; THENCE N.89°58'44"W. A DISTANCE OF 205.00 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE N.00°17'E. ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

AREA OF SITE: 43,382.2106 SQUARE FEET OR 0.9959 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH



32-1555
73-65(A)
321027

R-78-1258
P-78-503
19781010 SE

CG/SE
R-94-363
EAC 84-79(A)
19940324

CG/SE
(BK)

1234.92
19840918
WOODSTOCK DRIVE

CS
CG R-86-3284
P-83-104
SE 19860311

RM

9890308

10-5

10-80 CG
R-85-1451
CG 19850917

12-44
R-89-612

← SITE

WEST PALM BEACH

10-14

(B) CG

IL/SE
R-91-1067
P-76-135 D
19910820

IL/SE
R-91-1067
P-76-135 D
19910820

12

(CG) SE
11-72

SE
P-82-152CH
19890404

RM

19751108
R-75-779 (75-88)

IL

250'

MILITARY TRAIL SCHOOL

(AD) RM
R-81-761
R-81-762
19810610

IL SE
R-81-761
R-81-762
19810610

GARDENIA STREET

(BC) IL

500'

R-76-123 (76-14)
19760210 SE

R-97-363
P-91-31
19920310

R-84-775
19840812

R-74-1012 SE
19741210

(BA) (BV) (U)

WEST PALM BEACH ORD. 1488

SE (AE)

R-94-943
CR77-1330/A7
19940728

CG/SE
R-91-1633

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The petitioner shall comply with all previous conditions of approval by the Board of County Commissioners, unless expressly modified. (ZONING)

B. HEALTH

1. Application and engineering plans to upgrade the existing onsite sewage treatment disposal system (OSTDS), in accordance with chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan certification. (HEALTH)
2. No food preparation will be allowed onsite where an OSTDS is required. (HEALTH)
3. No vehicle maintenance or repair will be allowed onsite where an OSTDS is required. (HEALTH)

C. LANDSCAPE

1. All trees required to be planted within the Military Trail and Shadow Lakes Boulevard landscape buffers shall meet the following minimum standards at time of 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. Trees shall be native evergreen species planted at an equivalent of one tree per thirty (30) linear feet of property line. Credit shall be given for existing trees provided they meet current ULDC requirements. (LANDSCAPE-Zoning)
2. All hedge material required to be planted within the Military Trail and Shadow Lakes Boulevard landscape buffers shall meet the following minimum standards:
 - a. Shrub and/or hedge material shall be thirty (30) inch high spaced no more than twenty four (24) inches on center at time of installation.
 - b. Hedge material shall be maintained at a minimum height of thirty-six (36) inches. (LANDSCAPE-Zoning)
3. All landscaping required to be planted within the Military Trail and Shadow Lakes Boulevard landscape buffers shall be installed prior to December 1, 1996 or issuance of Certificate of Occupancy. (CO: MONITORING-Landscaping)

D. LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

E. ENGINEERING

1. Prior to July 1, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a corner clip at Military Trail and Shadow Lakes Boulevard. This right of way shall be free of all encumbrances and encroachments. 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. (MONITORING/BUILDING - Engineering)
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 75-134(A) to be paid at the time of issuance of the Building Permit presently is \$22,715.00 (413 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. SIGN

1. The subject property shall be limited to one (1) freestanding point of purchase sign located on the corner of Military Trail and Shadow Lakes Boulevard. The sign shall be in accordance with the following :
 - a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - b. Maximum sign face area per side - 100 square feet. (BUILDING-Zoning)

G. COMPLIANCE

1. 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; 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.

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)