

RESOLUTION NO. R-97-2080

RESOLUTION APPROVING ZONING PETITION CA97-51
CLASS A CONDITIONAL USE
PETITION OF GOODWAY OIL CORP.
BY ELI BUZAGLO, AGENT
(GOODWAY OIL)

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 CA97-51 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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.
- a. 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 CA97-51, the petition of Goodway Oil Corp., by Eli Buzaglo, agent, for a Class A Conditional Use (CA) to allow a Convenience store with gas sales in the General Commercial 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

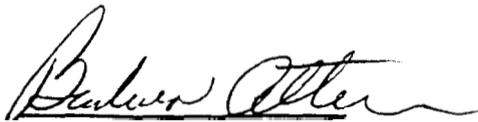
Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1997.

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

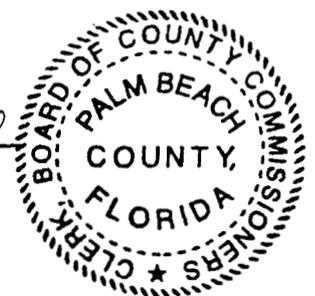


EXHIBIT A
LEGAL DESCRIPTION

STATION NO. 710
LEGAL DESCRIPTION

THE WEST 125 FEET OF THE EAST 200 FEET OF THE WEST 410 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT A POINT IN THE NORTH LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AT A DISTANCE OF 150 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER THEREOF; THENCE WESTERLY ALONG SAID SECTION LINE A DISTANCE OF 689.26 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE PRECEDING COURSE A DISTANCE OF 185 FEET; THENCE EASTERLY PARALLEL TO SAID SECTION LINE A DISTANCE OF 689.26 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE PRECEDING COURSE A DISTANCE OF 185 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF OKEECHOBEE ROAD.

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 July 23, 1997. 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. BUILDING AND SITE DESIGN

1. Similar architectural character and treatment shall be provided on all sides of the proposed building and gas island canopy. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height for all structures shall not exceed twenty-five (25) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All exterior storage areas and mechanical equipment shall be screened from view by a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO/BLDG PERMIT: BLDG - Zoning)

C. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the use; and square footages as shown on the site plan dated July 23, 1997. (DRC: ZONING)

D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
2. There shall be no food preparation or processing allowed on site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)
3. There shall be no maintenance or repair of mechanical or vehicle equipment on site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit the property owner shall convey to Palm County **Land Development Division** by road right-of-way warranty deed a corner clip at the intersection of Okeechobee Boulevard and Manor Drive. This corner clip shall be free of all encumbrances and encroachments. Developer 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)

F. LANDSCAPE - STANDARD

1. **All** 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 required 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 **supersece** the requirement for a perimeter canopy tree in that tocation. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the south property line shall include:
 - a. minimum seven (7) foot wide landscape buffer strip;
 - b. six (6) foot high opaque concrete wall;
 - c. one (1) canopy tree installed twenty (20) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of prc:perty line with a maximum spacing of fifty (60) feet on center between clusters; and,
 - e. twenty four (**24**) inch high shrub or hedge material installed no more than twenty four (**24**) inches on center and maintained at a minimum height of forty-eight (**48**) inches. (CO / ONGOING: LANDSCAPE / CODE **ENF** - Zoning)

H. LIGHTING

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

2. All outdoor lighting fixtures, including wall mounted lighting, shall not **exceed** twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

I. SIGNS

1. All freestanding signs, including directional and entrance wall signage, shall be limited as follow:

- a. Maximum sign height, measured from finished grade to the highest point - Fifteen (15) feet;
 - b. Maximum sign face area per side - 56 square feet;
 - c. Maximum number of signs - One (1) point of purchase sign along Okeechobee frontage; and,
 - d. Style - Monument only. (CO: BLDG)
2. Wall mounted signs on the building shall be limited to the north and west frontages only and canopy signs shall be limited only to the north, east and west frontages. (CO: BLDG)

J. USE LIMITATIONS

1. The total gross floor area shall be limited to a maximum 2,200 square feet convenience store. (DRC: ZONING)
2. The maximum number of fuel dispensers on the site shall be limited to five (5) pumps, one (1) of which may be a diesel pump located on the southern island. The maximum length of the two (2) islands shall be limited to the dimensions and location as shown on the site plan by Jeff H. Iravani Inc., Consulting Engineers, dated July 23, 1997. (DRC: ZONING)
3. The owner of the facility shall provide, at no charge to the public, air and water for minor vehicle maintenance. (DRC/ONGOING: ZONING/CODE ENF)
4. No car wash shall be permitted. (ONGOING: ZONING)
5. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located in the northeast corner of the property. (ONGOING: CODE ENFORCEMENT)
6. Use of the site shall be limited to a Convenience store with gas sales. Additional business activities or vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
7. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)

K. 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 noncompliance, 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)