

RESOLUTION NO. R-2013-1074

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2012-00979
(CONTROL NO. 1980-00161)
a Requested Use Request
APPLICATION OF SE Petro One LLC
BY Core States Group, AGENT
(Arvida Parkway Center)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/DOA/R-2012-00979 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2013; and

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; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby Finds the application meets all standards contained in Article 2.B.2.B for a Requested Use Request.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/DOA/R-2012-00979, the petition of SE Petro One LLC, by Core States Group, agent, for a Requested Use Request to allow a Convenience Store with Gas Sales in the General Commercial (CG) 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 22, 2013, 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 Steven L. Abrams, Mayor - Aye

Commissioner Priscilla A. Taylor, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Nay

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 22, 2013.

Filed with the Clerk of the Board of County Commissioners on August 29th, 2013


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

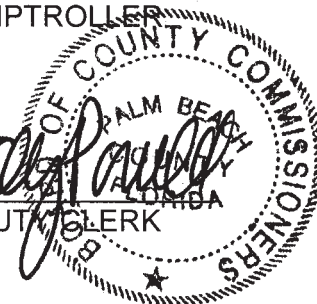


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION
DAILY'S STORE No. 1710
7950 Glades Road
PCN: 00-42-47-16-00-000-7030

PARCEL 1:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

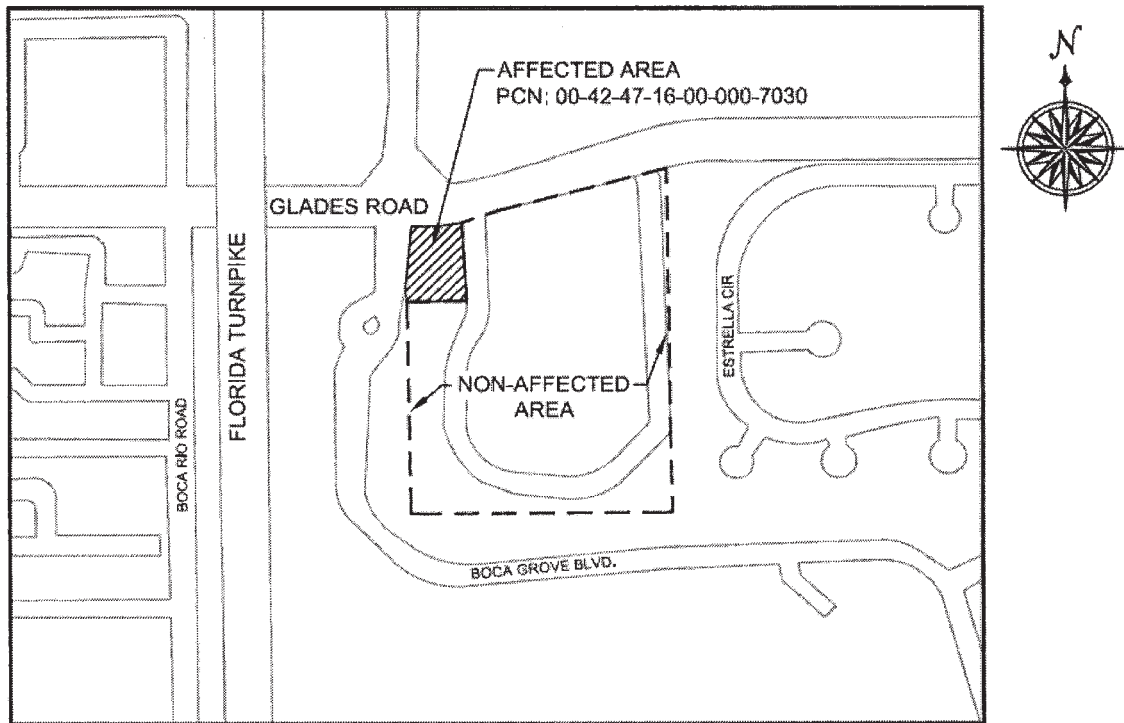
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE N 89 DEGREES 19'27" E, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 404.53 FEET; THENCE N 00 DEGREES 58'01" W, ALONG A LINE OF 404.53 FEET EAST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 763.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 00 DEGREES 58'01" W, ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 262.54 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 808 (GLADES ROAD); THENCE EASTERLY ALONG SAID SOUTH RIGHT OF WAY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 2369.53 FEET, AND WHOSE RADIUS POINT BEARS N 3 DEGREES 15'53" W, FROM THE LAST DESCRIBED POINT, WITH A CENTRAL ANGLE OF 5 DEGREES 42'28", AN ARC DISTANCE OF 236.05 FEET; THENCE S 0 DEGREES 58'01" E, A DISTANCE OF 283.73 FEET; THENCE S 89 DEGREES 01'59" W, A DISTANCE OF 235.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR CREATED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5542, PAGE 814, FOR THE PURPOSE OF USING AND MAINTAINING A NON-EXCLUSIVE VEHICULAR AND PEDESTRIAN EASEMENT, RIGHT OF WAY AND PASSAGE OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH



LOCATION MAP

NOT TO SCALE

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-84-336 (Control 1980-161), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan (PSP-2) is dated June 28, 2013. 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 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 January 16, 2013. 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. 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 recessed; and,
- d. the gas station canopy signage shall be included within the maximum wall signage calculation allowed for the Convenience Store. (DRO: ZONING - Zoning)

ENGINEERING

1. The developer shall contribute for the gas station portion of this project Two Thousand Nine Hundred Dollars (\$2,900.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit for the gas station. (Previous Condition 2 of Resolution R-84-336, Control No. 80-161) [NOTE: COMPLETED.]

2. Prior to August 22, 2014, the property owner shall provide an acceptable deed or easement to the Palm Beach County Land Development Division for a 25 foot corner clip at Glades Road and Boca Grove Boulevard or as approved by the County Engineer. If the corner clip is provided as right of way, it shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes.

After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)

HEALTH

1. Plans for the installation of the underground storage tanks shall be approved by the Health Department prior to the issuance of Building Permits. (Previous condition 10 of Resolution R-84-336, Control 80-161) [NOTE: COMPLETED.]

LANDSCAPE - GENERAL

1. Concurrent with the submittal for Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval. (DRO: LANDSCAPE - Zoning)

2. The property owner shall provide a continuous opaque landscape barrier consisting of a hedge within the east divider median south of the cross access point and along the south boundary of the 1.46-acre parcel. The hedge shall be a minimum height of six (6) feet at time of installation and continuously maintained at a minimum height of six (6) feet exclusive of safe sight triangles. (ONGOING: CODE ENF - Code Enf)

3. Prior to Final Approval by the Development Review Officer, a landscape focal point shall be provided within the Glades Road right-of-way buffer west of the access point. A detail shall be provided on the Final Regulating Plan and shall be subject to review and approval by the Landscape Section. (DRO: LANDSCAPE - Zoning)

SIGNS

1. Replacement or relocation of the existing freestanding sign fronting on Glades Road for the Convenience Store with Gas Sales use shall be limited as follows:

- maximum sign height – fifteen (15 feet) measured from finished grade to highest point;
- maximum sign face area per side - one hundred and twenty (120) square feet;
- maximum number of signs – one (1); and,
- style - monument style only. (BLDG PERMIT: BLDG - Zoning) (ONGOING: BLDG - Zoning)

SITE DESIGN

1. Condition 9 of Resolution R-84-336, Control No. 80-161, which currently states:

Prior to certification of the service station portion of the proposed site, the plan shall be amended to reflect the following:

- reduction of the width of the access drives to 35 feet
- installation of a landscaped, berm and wall system to an immediate height of six feet along Boca Grove Boulevard.
- preservation of significant existing native vegetation in the southern portion of this site, and
- provision of unobstructed 100 foot long stacking lanes for the gasoline pump islands.

Is hereby amended to read:

The Final Site Plan for the Convenience Store with Gas Sales use shall reflect:

- access drive width as approved by Land Development and Florida Department of Transportation;
- installation of a landscaped, berm and wall system to an immediate height of six (6) feet along Boca Grove Boulevard [NOTE: COMPLETED]; and,
- preservation of significant existing native vegetation in the southern portion of this site. (DRO: ZONING - Zoning)

USE LIMITATION

1. The Convenience Store shall be limited to a maximum of 4,400 square feet. (ONGOING: ZONING - Zoning)

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)