

RESOLUTION APPROVING ZONING PETITION EAC87-33(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SUBURBAN BANK

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 notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC87-33(B) was presented to the Board of County Commissioners at a public hearing conducted on December 6, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed **on** it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 EAC87-33(B), the petition of Suburban Bank for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend Conditions 13, 51 and 52 of Resolution R-91-246, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on December 6, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of December, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dulwa Allen*
COUNTY ATTORNEY

BY: *Janet Blair*
DEPUTY CLERK

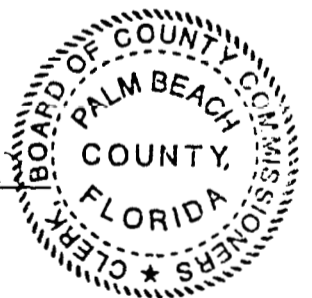


EXHIBIT A

LEGAL DESCRIPTION

LOTS 16, 17, 18, 19 AND 20, LESS THE EAST 15.00 FEET FOR ROAD RIGHT-OF-WAY, LESS THE NORTH 8.00 FEET OF LOT 20, LESS THE SOUTH 8.00 FEET AND WEST 10.00 FEET OF LOT 19, NEERDINK'S LITTLE RANCHES, PLAT BOOK 4, PAGE 50, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOHING PROPERTY LEGALLY DESCRIBED AS:

LOTS 13, 14 AND 15 MEERDINK'S LITTLE RANCHES, ACCORDINO TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 50, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING: THE EAST 15 FEET OF LOTS 13, 14 AND 15, THE NORTH 20 FEET OF LOT 13 AND THE EXTWNAL AREA FORMED BY THE 25 FOOT RADIUS ARC TANGENT TO A LINE LYING 20 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF LOT 13 AND TANGENT TO A LINE LYINO 15 FEET WEST OF, MEASURED AT RIGHT ANGLES TO THE EAST LINE OF LOT 13, AS CONVEYED TO COUNTY OF PALM BEACH IN THE STATE OP FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 1655, AT PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE PERPETUAL, EXCLUSIVE EASEMENT ON THE PROPERTY LEGALLY DESCRIBED AS:

A PARCEL OF LAND LYING AND BEING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, SAID PARCEL BEING A PORTION OF THE 65 FOOT REQUIRED RIGHT-OF-WAY FOR E 3-1/2 CANAL ACCORDINO TO LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY HAP, SHEET 229 OF 240, DATED MAY 1969 AND RECORDED IN OFFICIAL RECORD BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING WEST OF AND ADJACENT TO LOT 13, LESS THE NORTH 20 FEET THEREOF AND LOTS 14 AND 15, MEERDINK'S LITTLE RANCHES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 50 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, THENCE SOUTHERLY ON AN ASSUMED BEARING OF SOUTH, ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 1290.68 FEET TO A POINT, SAID POINT BEING THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE 80 FOOT ROAD RIGHT-OF-WAY OF WESTGATE AVENUE; THENCE, WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE A DISTANCE OF 254.20 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID 65 FOOT LAKE WORTH DRAINAGE DISTRICT E 3-1/2 CANAL, AND THE EAST LINE OF THE PLAT OF WESTGATE ESTATES, AS RECORDED IN PLAT BOOK 15, PAGE 16, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE, SOUTH 2'48'36" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E 3-1/2 CANAL A DISTANCE OF 220.29 FEET, THENCE, EAST 65.08 FEET TO THE EAST LINE OF THE REQUIRED 65 FEET LAKE WORTH DRAINAGE DISTRICT E 3-1/2 CANAL, THENCE, NORTH 2'48'36" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE OF E 3-1/2 CANAL A DISTANCE OF 220.29 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID WESTGATE AVENUE; THENCE, WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 65.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY FOR CONGRESS AVENUE AND WE AVENUE, RECORDED IN OFFICIAL RECORDS BOOK 7411, PAGE 787, PUBLIC RE OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 2.67 SQUARE FEET, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

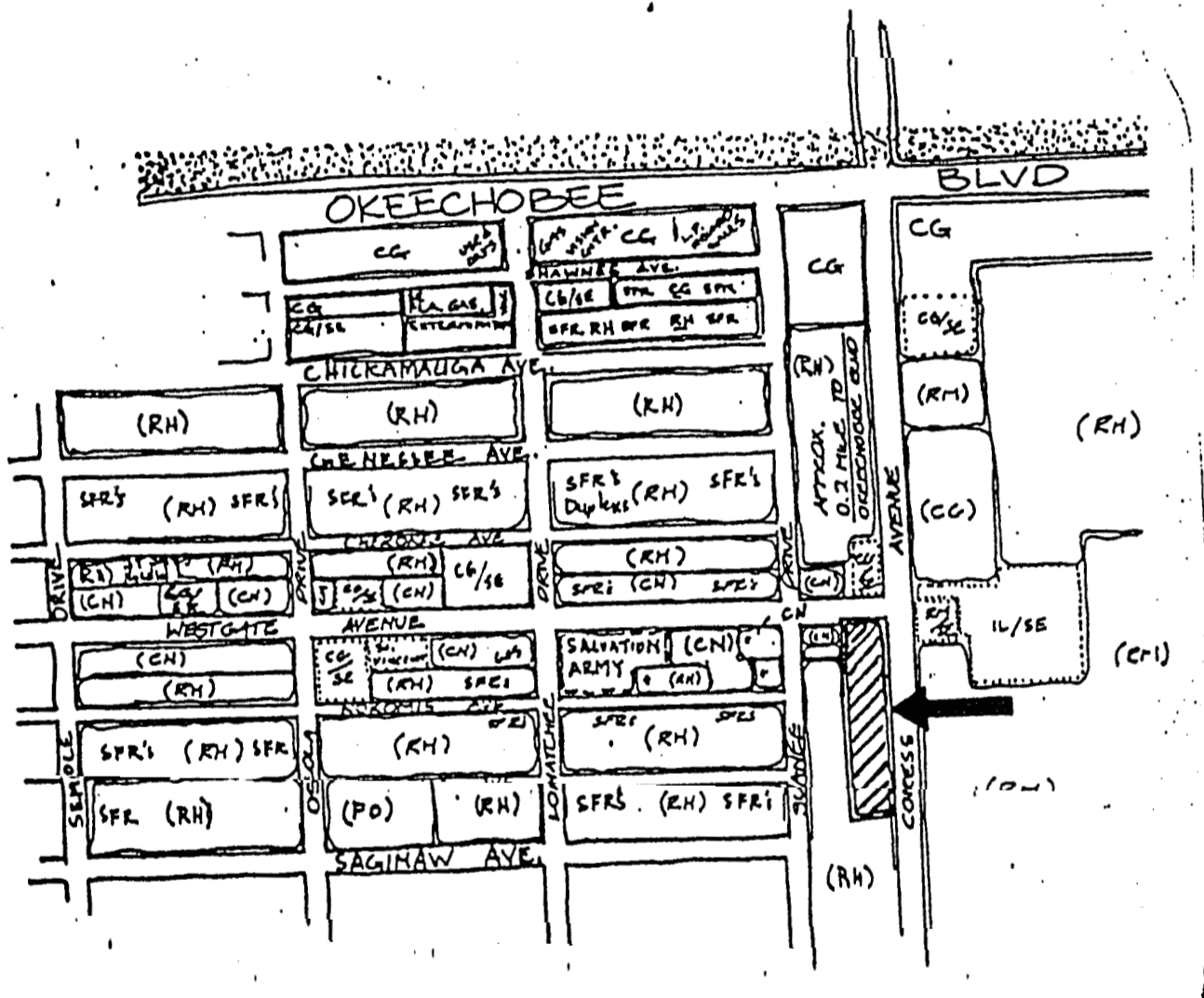


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) required number of trees.
 - b) the required landscaping between vehicular use areas and abutting properties, or obtain variance relief from the Board of Adjustment.
 - c) the incorporation into the project design of the westernmost royal poinciana, and cluster of cabbage palms adjacent to the eastern entry, as identified on the project's site plan.
 - d) the relocation and/or incorporation into the project design of all healthy oaks and cabbage palms found on site. (Previously Condition No. 1 of Resolution R-87-1122A)

2. Condition No. 1 of Resolution R-91-247, which currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-87-1122A, and R-91-246, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

3. Condition No. 2 of Resolution R-91-247, which currently states:

The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

Is hereby deleted. [REASON: CODE REQUIREMENT]

4. Condition No. 3 of Resolution R-91-247, which currently states:

This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review).

Is hereby deleted. [REASON: NO LONGER REQUIRED]

5. Prior to site plan certification, the property owner shall submit verification that an agreement between the Lake Worth Drainage District's Governing Board and this petitioner has been executed for the use of Parcel E by this property owner. In the event that this agreement does not allow a design which meets the property development regulations, variance relief from the Board of Adjustment shall be sought or the site redesigned to meet property development regulations. (Previously Condition No. 5 of Resolution R-87-1122A)

B. AUTO SERVICE (WITH REPAIRS)

1. Condition No. 4 of Resolution R-91-247, which currently states:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

Is hereby delated. TREASON: CODE REQUIREMENT]

2. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets. (Previously Condition No. 5 of Resolution R-91-247)

3. Condition No. 6 of Resolution R-91-247, which currently states:

The design of the car wash shall use a water recycling system.

Is hereby amended to state:

The design of the car wash facility shall use a 100% water recycling system. (HEALTH)

4. No outdoor speaker or public address systems which are audible from the exterior of the building, shall be permitted on site. (Previously Condition No. 7 of Resolution R-91-247)

5. Condition No. 8 of Resolution R-91-247, which currently states:

Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives. (Previously Condition No. 8 of Resolution R-91-247)

Is hereby deleted. [REASON: CODE REQUIREMENT]

6. Vehicles on site for repairs shall not be tested off site on residential streets. (Previously Condition NO. 9 of Resolution R-91-247)

7. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (Previously Condition No. 10 of Resolution R-91-247)

8. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. There shall be no outdoor repair or maintenance of vehicles on site. (Previously Condition No. 11 of Resolution R-91-247)

9. All automotive repair uses shall be conducted entirely within enclosed buildings. (Previously Condition No. 12 of Resolution R-91-247)

10. No automotive use shall commence repair activities (including delivery and stocking operations) prior to 7:00 a.m. nor continue activities later than 7:00 p.m. (Previously Condition No. 13 of Resolution R-91-247)

C. ADVERTISING

1. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway. (Previously Condition No. 14 of Resolution R-91-247)
2. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers, or any information other than that required by law, shall be posted on such vehicles. (Previously Condition No. 15 of Resolution R-91-247)
3. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code. (Previously Condition No. 16 of Resolution R-91-247)

D. BUILDING

1. Condition No. 17 of Resolution R-91-247, which currently states:

The west side of the proposed auto care building shall be given architectural treatment consistent with the front facade.

Is hereby amended to state:

The west side of the proposed vehicles sales and rental building shall be given architectural treatment consistent with the front facade.

2. Condition No. 18 of Resolution R-91-247, which currently states:

Buildings for automotive repair shall be located a minimum of thirty-five (35) feet from the west property line.

Is hereby amended to state:

Buildings for vehicle sales and rental shall be located a minimum of thirty-five (35) feet from the west property line.

3. Condition No. 19 of Resolution R-91-247, which currently states:

One ten foot (10') to twelve foot (12') tall native palm tree shall be maintained on either side of each bay door. Bay doors shall be painted and maintained in a color similar to that of the building facade.

Is hereby deleted. [REASON: NO LONGER REQUIRED]

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the county Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition No. 21 of Resolution R-91-247)
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previously Condition No. 22 of Resolution R-91-247)
3. Prior to January 1, 1991, 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 Congress Avenue, 64 feet from centerline and Westgate Avenue, 60.5 feet from centerline, 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 23 of Resolution R-91-247)
4. The Property owner shall extend the existing left turn lane, south approach on Congress Avenue to a minimum of 375 feet (150 feet south of the project's south entrance onto Congress Avenue) concurrent with the construction of this southern entrance. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the auto care facility. (Previously Condition No. 24 of Resolution R-91-247)
5. 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. (Previously Condition No. 25 of Resolution R-91-247)
6. The property owner shall convey to the Lake Worth Drainage District, by Quit Claim Deed or an easement, the west 10 feet of Lots 17 and 18, the west 10 feet of the south 8 feet of Lot 19 and the west 10 feet of Lot 20 of Meerdink's Little Ranches for the required right-of-way for Equalising Canal No. 3 1/2, prior to January 1, 1991. (Previously Condition No. 26 of Resolution R-91-247)

7. Condition No. 2 of Resolution R-87-1122A, which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

8. The petitioner shall convey to the Lake Worth Drainage District the west 10 feet of Lots 14, 15 and that part of Lot 13 according to the Plat of Meerdink's Little Ranches, south of Westgate Avenue for the required right-of-way for Equalizing Canal No. 3 1/2 B, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project. (Previously Condition No. 6 of Resolution R-87-1122A)

F. ~~CROSS ACCESS/SHARED PARKING AGREEMENT~~

1. Prior to Site Plan Certification by the Site Plan Review Committee, the petitioner shall record a cross access and shared parking agreement for the entire subject property in a form acceptable to the County Attorney.
 - a. Credit shall be given for existing native trees along the north property line which meet the tree credit requirements of Section 500.35.G.4 (Tree Credit) of the Zoning Code. (Previously Condition No. 20 of Resolution R-91-247)

G. ~~ENVIRONMENTAL RESOURCES MANAGEMENT~~

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures. (Previously Condition No. 27 of Resolution R-91-247)
2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping shall be a part of those measures. (Previously Condition No. 28 of Resolution R-91-247)

H. ~~HEALTH~~

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (PDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition No. 29 of Resolution R-91-247)

2. Condition No. 30 of Resolution R-91-247, which Currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby amended to state:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 100-6, FAC., and Palm Beach County ECR-I.

3. Condition No. 31 of Resolution R-91-247, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby amended to state:

Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. All existing onsite potable water supply system must be abandoned in accordance with Palm Beach County ECR-II.

4. **The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.** (Previously Condition No. 32 of Resolution R-91-247)

5. **No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10-D-6 Florida Administrative Code.** (Previously Condition No. 33 of Resolution R-91-247)

6. Condition No. 7 of Resolution R-87-1122A, which currently states:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

7. Condition No. 8 of Resolution R-87-1122A, which currently states:

No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

8. Condition No. 9 of Resolution R-87-1122A, which currently states:

Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

I. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Previously Condition No. 34 of Resolution R-91-247)

I. LANDSCAPE BUFFERS

1. Condition No. 35 of Resolution R-91-247, which currently states:

The landscape buffer shall be a minimum of ten (10) feet in width along the south and west property lines, where the site is contiguous to land designated as residential by the Palm Beach County Comprehensive Plan, and shall include the following:

- a. A six foot (6') high opaque concrete block wall, textured or surfaced with stucco or other appropriate materials which coordinate with or echo the design and colors of the principal structure on the property;
- b. A hedge of native vegetation twenty-four inches (24") in height, spaced twenty-four (24") inches on center; and
- c. Native canopy trees, a minimum twelve feet (12') in height with a minimum six foot (6') spread, spaced twenty feet (20') on center. Landscaping shall be planted and maintained on the exterior side of the required wall.
- d. A twenty-four (24) inch high berm planted with a thirty-six (36) inch high hedge and twelve (12) foot tall native canopy trees planted twenty (20) feet on center along the east property line from the south building base line of the existing 1,750 square foot structure to the south property line.

Is hereby amended to state:

The landscape buffer shall be a minimum of ten (10) feet in width along the entire west property line, where the site is contiguous to land designated as residential by the Palm Beach County Comprehensive Plan, and shall include the following:

- a. A six foot (6') high opaque concrete block wall, textured or surfaced with stucco or other appropriate materials consistent with the design and colors of the principal structures on the property;
 - b. A hedge of native vegetation twenty-four inches (24") in height, spaced twenty-four (24") inches on center; and
 - c. Native canopy trees, a minimum twelve feet (12') in height with a minimum six foot (6') spread, spaced twenty feet (20') on center. Landscaping shall be planted and maintained on the exterior side of the required wall. (BUILDING)
2. A twenty-four (24) inch high berm planted with a thirty-six (36) inch high hedge and twelve (12) foot tall native canopy trees planted twenty (20) feet on center along the east property line. (BUILDING - zoning)

K. PIPING AND PAVING OF LWDD CANAL

1. In the event the property owner fails to properly maintain the piping, paving, parking or construction within the E3 1/2-8 Lake Worth Drainage District (LWDD) Canal easement, as determined by LWDD or the Planning, Zoning and Building Department, the property owner shall return the easement to an open canal. In addition, the car wash facility and stacking lane shall be removed from the site and all other paving or structures within the ultimate right-of-way of the canal and the required setback shall be replaced with landscaping which meets the requirements of the Zoning Code. Any other site redesign or alteration to maintain adequate circulation, parking, queuing, ingress or egress, as required by the Planning, Zoning and Building Department, shall be completed simultaneously with the return of the easement to an open canal. (Previously Condition No. 36 of Resolution R-91-247)
2. To ensure the perimeter buffers are installed and maintained in accordance with the conditions of approval, prior to site plan certification by the Development Review Committee, the petitioner shall enter into an agreement with the Lake Worth Drainage District, in a manner and form acceptable to the Zoning Division, which will prohibit any future encroachment onto the portion of the LWDD E31/28 canal right-of way in this petition by any structure other than those permitted by this petition. The existing encroachment may continue, however, at such time as the structure is required to be removed, the encroachment will no longer be permitted.
(ZONING)

L. PRESERVATION

1. Prior to Site Plan Review Committee, the petitioner shall submit a Vegetation Preservation Report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit. (Previously Condition No. 37 of Resolution R-91-247)
2. Any additional retention requirements identified in later stages of development shall be accommodated in infiltration trenches, passive at grade retention areas or by reductions in the size of the specialized vehicular use area. (Previously Condition No. 38 of Resolution R-91-247)
3. Prior to site plan approval, the petitioner shall submit:
 - a. A tree survey at 50 scale or larger or an acceptable alternative to the Zoning Division and to the Department of Environmental Resources Management.
 - b. A Landscape Betterment Plan that maximizes the preservation of existing vegetation. This plan shall relocate and cluster the parking spaces to preserve additional vegetation, as necessary. (Previously Condition No. 39 of Resolution R-91-247)
4. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Department of Environmental Resource Management and the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site. (Previously Condition No. 40 of Resolution R-91-247)

5. Trees to be preserved or relocated shall receive appropriate protection from damage and disturbance during site development and construction in accordance with Section 500.36 of the Zoning Code. (Previously Condition No. 41 of Resolution R-91-247)

M. SIGNS

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. (Previously Condition No. 42 of Resolution R-91-247)
2. In addition to the signs prohibited by the Sign Code, the following types of signs shall also be prohibited:
 - a. Flashing signs.
 - b. Any flag where its longest side is greater in length than twenty percent (20%) of the length of the flagpole or standard.
 - c. Advertising flags, foreign flags, pennants, banners, snipe signs, streamers and balloons.
 - d. Electronic message boards.
 - e. Bus bench advertising.
 - f. Rooftop and billboard signs. (Previously Condition No. 43 of Resolution R-91-247)
3. Pole signs shall be limited to one (1) square foot per two linear feet (2') of frontage up to a one hundred (100) square foot maximum, with a limit of one (1) sign on Westgate Avenue and three (3) on Congress Avenue. (Previously Condition No. 44 of Resolution R-91-247)
4. Pole signs shall be limited to fifteen feet (15') in height, with monument signs used whenever possible. (Previously Condition No. 45 of Resolution R-91-247)
5. Signs shall be setback at least five feet (5') from any sidewalk. No portion of any sign may be placed so as to overhang the public right-of-way. (Previously Condition No. 46 of Resolution R-91-247)
6. No off-premise signs shall be permitted on site. (Previously Condition No. 47 of Resolution R-91-247)

N. SITE DESIGN

1. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. (Previously Condition No. 48 of Resolution R-91-247)

O. UNITY OF CONTROL

1. Prior to Site Plan certification by the Site Plan Review Committee, the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney and County Engineer. (Previously Condition No. 49 of Resolution R-91-247)

P. USE

1. Condition No. 50 of Resolution R-91-247, which currently states:

Use of the existing 1,750 square foot structure shall be limited to office uses only (no retail).

Is hereby amended to state:

Use of the site shall be limited as follows:

- a) Automotive service station:

- 1) 1,034 square foot convenience store with gas sales;
- 2) 1,034 professional office; and,
- 3) 800 square foot car wash.

- b) Vehicles lease and rental:

- 1) 5,000 square foot vehicle lease and rental;
- 2) 1,000 vehicle service area;
- 3) 800 square foot car wash; and
- 4) primary use shall be vehicle lease and rental, sales of vehicles shall be allowed only as accessory to the vehicle lease and rental facility. (ZONING-CODE ENFORCEMENT)

2. Condition No. 51 of Resolution R-91-247, which currently states:

No vehicles for sale or lease shall be displayed on site.

Is hereby deleted. [REASON: REQUEST]

3. Condition No. 52 of Resolution R-91-247, which currently states:

A vehicle storage area for the leasing of new or used automobiles shall be limited to eleven (11) spaces located on the north side of the leasing agency office on the west side of the adjacent parking island.

Is hereby amended to state:

A vehicle storage area for the leasing of new or used automobiles shall be limited to 140 car spaces.

Q. WESTGATE CRA OVERLAY DISTRICT REGULATIONS

1. **Frontage on Westgate Avenue and Congress Avenue, including the southwest corner of the intersection of Westgate Avenue and Congress Avenue (as may be amended to comply with safe corner dedication requirements), shall comply with the streetscape design guidelines of the Westgate/ Belvedere Homes Community Redevelopment Area Plan prior to the first issuance of a Certificate of Occupancy on the site. (Previously Condition No. 53 of Resolution R-91-247)**

2. Condition No. 54 of Resolution R-91-247, which currently states:

Lighting, building design and fences shall comply with Section 627.F.2. **SpecialDevelopment Standards for Non-residential Development" in the Westgate CRA.

Is hereby deleted. [REASON: CODE REQUIREMENT]

3. The petitioner shall construct or fund construction of sidewalks and applicable CRA streetscape paving designs within the road right-of-way and landscape strip along Westgate Avenue and Congress Avenue frontages concurrent with on-site paving and drainage improvements. The sidewalk shall be a width of five (5) feet. Construction plans shall be subject to approval by the County Engineer. The County Engineer shall make the sole determination as to whether this petitioner shall pay the funds or be responsible for the construction of this sidewalk. Funds shall be paid prior to submittal for a building permit and given to Palm Beach County Engineering Department for the Westgate/Belvedere Homes CRA Road Improvement Program, or construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition No. 55 of Resolution R-91-247)

R. COMPLIANCE

1. Condition No. 56 of Resolution R-91-247, which currently states:

As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby deleted. [REASON: CODE REQUIREMENT]

2. Condition No. 3 of Resolution R-87-1122A, which currently states:

The property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.

Is hereby deleted. [REASON: DUPLICATE CONDITION]

3. Condition No. 4 of Resolution R-87-1122A, which currently states:

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 presently is \$12,993.00 (485 trips X \$26.79 per trip). (Previously Condition No. 4 of Resolution R-87-1122A)

Is hereby deleted. [REASON: DUPLICATE CONDITION]