

RESOLUTION NO. R-2004-1381

RESOLUTION APPROVING ZONING PETITION DOA1987-033C  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF FAMILY INC., PALM BEACHES & SSAB FLORIDA CO., LLC  
BY LAND DESIGN SOUTH, AGENT  
(CONGRESS AUTO PARK)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1987-033C was presented to the Board of County Commissioners at a public hearing conducted on June 16, 2004; 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 2.E (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 has considered the findings in the staff report and 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 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 2.K.3.b 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 DOA1987-033C, the petition of Family, Inc., Palm Beaches & SSAB Florida Co., LLC, by Land Design South, agent, for a Development Order Amendment to reconfigure site plan, add square footage and modify/delete conditions of approval 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 June 16, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 16, 2004.

Filed with the Clerk of the Board of County Commissioners on 13 day of July, 2004.

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

LOTS 16, 17, 18, 19 AND 20; LESS THE EAST 39 FEET OF SAID LOT 16; FURTHER LESS THE WEST 10 FEET AND THE EAST 39 FEET OF SAID LOTS 17, 18, 19 AND 20 OF MEERDINK'S LITTLE RANCHES, ACCORDING TO THE PLAT THEREOF ON FILE WITH THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 4, PAGE 50.

TOGETHER WITH LOTS 19, 20, 21, AND 22, BLOCK C, RESUBDIVISION OF A PORTION OF LOT B AND ALL OF LOT C AND D, WEST GATE ESTATES ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 16, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING : 2.90 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

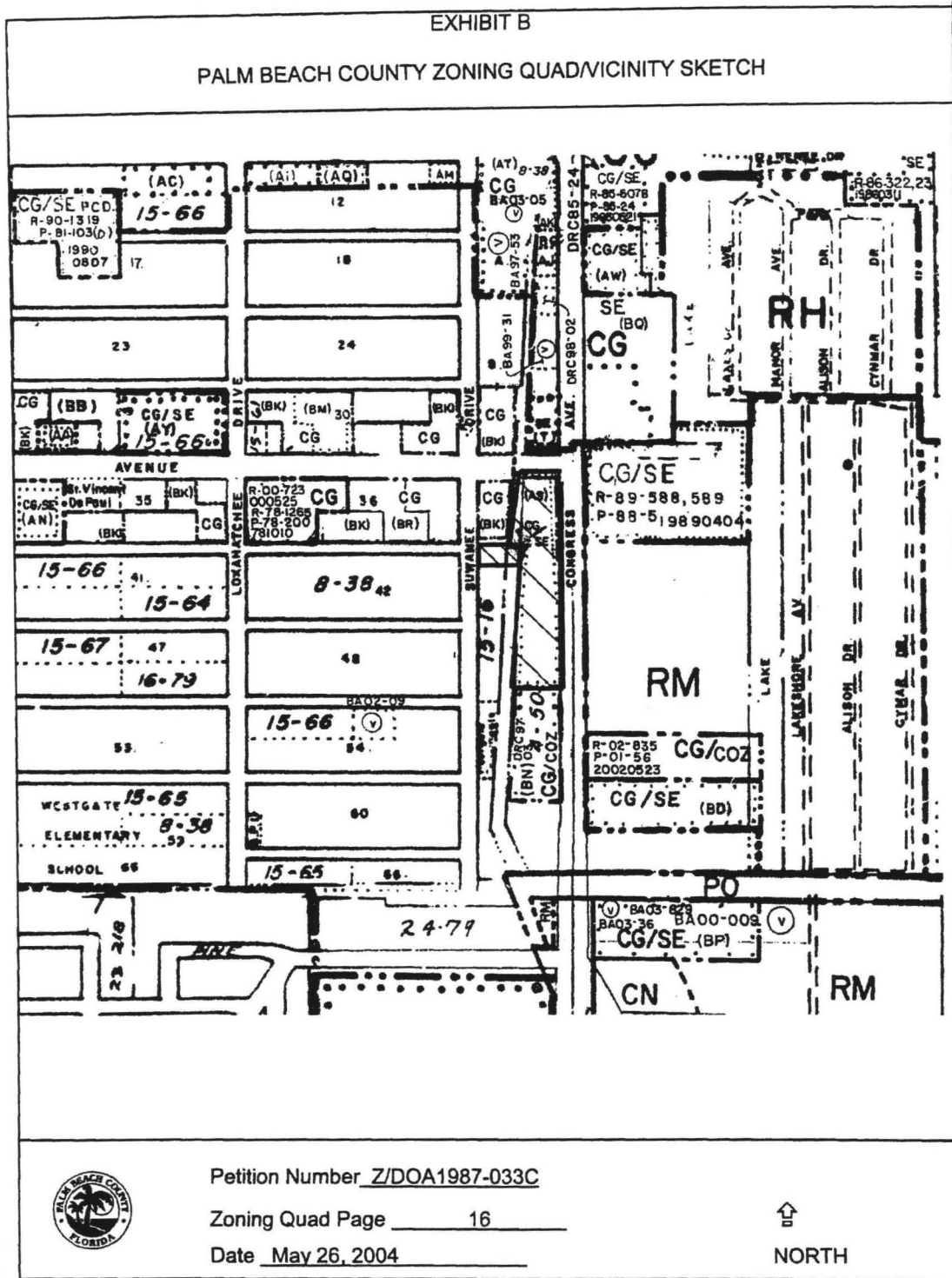




EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Condition A.2 of Resolution R-93-1537, Petition 1987-033(B), which currently states:

**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)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1537 (Petition 1987-33B) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

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 15, 2004. 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 - Zoning)
3. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1987-33C to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning)
4. Previous condition I.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (CO: HEALTH – Health)**

Is hereby deleted. Reason: [Code requirement]

5. Previous condition F.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (DRO: COUNTY ATTY – Eng/Planning)**

Is hereby deleted. Reason: [Replaced by condition E.8].

B. ARCHITECTURAL REVIEW

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.** (DRO: ARCH REVIEW – Bldg) (Previous condition N.1 of Resolution R-93-1537, Petition 1987-33(B))

2. Previous condition D.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

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

Is hereby deleted. Reason: [Not applicable]

3. Previous condition D.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

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

Is hereby deleted. Reason: [Not applicable]

4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures (Office Building only) shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sections 6.6.C. and 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (BLDG PERMIT: ARCH REVIEW - Zoning)

C. 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.** (DRO: ERM – Erm) (Previous condition G.1 of Resolution R-93-1537, Petition 1987-33(B))

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.** (DRO: ERM – Erm) (Previous condition G.2 of Resolution R-93-1537, Petition 1987-33(B))

3. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - Erm)

4. Previous condition L.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.** (DRO: ERM - Erm)

Is hereby deleted. Reason: [Code Requirement]

5. Previous condition L.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**Any additional retention requirements identified in later stages of development shall be accommodated in ex-filtration trenches, passive at grade retention areas or by reductions in the size of the specialized vehicular use area. (ONGOING: ERM – Erm)**

Is hereby deleted. Reason: [Code requirement]

6. Previous condition L.3 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (DRO: ERM – Erm)**

Is hereby deleted. Reason: [Code requirement]

7. Previous condition L.4 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (ERM – Erm)**

Is hereby deleted. Reason: [Code requirement]

8. Previous condition L.5 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (ERM – Erm)**

Is hereby deleted. Reason: [Code requirement]

D. HEALTH

1. Previous condition H.1 of Resolution R-93-1537, Petition 1987-33(B), 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: [Not applicable]

2. **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 10D-6, FAC., and Palm Beach County ECR-I. (CO: HEALTH – Health) (Previous condition H.2 of Resolution R-93-1537, Petition 1987-33(B))**
3. **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 systems must be abandoned in accordance with Palm Beach County ECR-II. (CO: HEALTH – Health) (Previous condition H.3 of Resolution R-93-1537, Petition 1987-33(B))**
4. Previous condition H.4 of Resolution R-93-1537, Petition 1987-33(B), which currently states:  
  
**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.**  
  
Is hereby deleted. Reason: [Not applicable]
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. (CO: HEALTH – Health) (Previous condition H.5 of Resolution R-93-1537, Petition 1987-33(B))**

**E. ENGINEERING**

1. Condition E.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:  
  
**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. (BLDG PERMIT: ENG – Eng)**  
  
Is hereby deleted. Reason: [Drainage is a code requirement.]
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. (BLDG PERMIT: ENG – Eng) (Previous condition E.2 of Resolution R-93-1537, Petition 1987-33(B))**
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.** (BLDG PERMIT: ENG – Eng) (Previous condition E.3 of Resolution R-93-1537, Petition 1987-33(B))

Note: [Completed.]

4. Condition E.4 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

5. Condition E.3 of Resolution R-93-1537, Petition 1987-33(B), 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.** (CO: ENG – Eng)

Is hereby deleted. Reason: [Impact fees are code requirement.]

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 Equalizing Canal No. 3 1/2, prior to January 1, 1991.** (CO: ENG – Eng) (Previous condition E.3 of Resolution R-93-1537, Petition 1987-33(B)) Completed

7. **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.** (CO: ENG – Eng) (Previous condition E.3 of Resolution R-93-1537, Petition 1987-33(B)) Completed

8. Prior to final site plan approval by the Development Review Officer (DRO) of this parcel, the property owner shall redesign the site to provide for vehicular access between the existing gas station to the north and this site (Social Security office) subject to the approval of the County Engineer. This site may construct a security fence separating this site and the adjacent gas station to the north. This fence shall be shown on the final site plan and shall remain open during normal business hours of the Social Security Office. (DRO: ENG - Eng)

9. In order to comply with the mandatory Traffic Performance Standards, the Developer property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after June 16, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2

Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

10. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. A plat waiver meeting the provisions of the ULDC shall also satisfy this condition of approval, subject to the approval of the Director of the Land Development Division. (BLDG PERMIT: MONITORING-Eng)
11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Avenue 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)
12. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)
13. The Property owner shall construct a left turn lane south approach on Congress Avenue at the project entrance. (BLDG PERMIT: MONITORING - Eng)

Note: [This condition of approval may be satisfied by restriping the existing five (5) lane section to provide for an exclusive left turn lane.]

14. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
  - a. 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)
  - b. Construction (restriping) for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING -Eng)

F. LANDSCAPING – STANDARD (APPLICABLE TO THE GOVERNMENT OFFICE USE ONLY)

1. All trees to be planted on site 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. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
2. All palms required to be planted on the property by this approval and 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. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - d. forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)
7. Previous Condition A.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (DRO: ZONING – Zoning)**

Is hereby deleted. Reason: [part code requirement, part replaced by new condition].

**G. LANDSCAPING ALONG THE SOUTH 500 FEET OF THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE) (APPLICABLE TO THE GOVERNMENT OFFICE USE ONLY)**

1. Landscaping and buffering along the south 500 feet of the east property line shall consist of the following:
  - a. A minimum ten (10) feet wide landscape buffer strip, pursuant to Board of Adjustment BA2004-00149, no further reduction or easement encroachment shall be permitted;
  - b. a continuous berm with a minimum height of one (1) feet measured from the top of curb;
  - c. one (1) canopy tree for each thirty (30) linear feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH 187 FEET OF THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE) AND THE NORTH PROPERTY LINE (FRONTAGE OF WESTGATE AVENUE) APPLICABLE TO GAS STATION ONLY

- 1. Previous condition J.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby amended to read:

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 and north property line applicable to the gas station only. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH 428 FEET OF THE WEST PROPERTY LINE (APPLICABLE TO THE GOVERNMENT OFFICE USE ONLY)

- 1. Landscaping and buffering along the south 428 feet of the west property line shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip;
  - b. a continuous one (1) foot high berm measured from top of curb; and
  - c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
  - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
  - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall; and
  - f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL) (APPLICABLE TO GAS STATION ONLY)

- 1. **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. (DRO: BUILDING - Bldg) (Previous condition J.1 of Resolution R-93-1537, Petition 1987-33(B))**

K. LANDSCAPING ALONG THE EXTERIOR PERIMETER OF .23 ACRE PARKING AREA (APPLICABLE TO THE GOVERNMENT OFFICE USE ONLY)

1. Landscaping for the exterior perimeter of the 0.23 acre parcel (except in the area within the LWDD Canal easement) shall consist of the following:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a continuous two (2) foot high berm measured from top of curb;
  - c. a minimum six (6) foot high vinyl coated chain linked fence to be located on the plateau of the berm;
  - d. one (1) native canopy tree for each thirty (30) feet of the property line;
  - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and, (DRO/CODE ENF: LANDSCAPE – Zoning)

L. LWDD (APPLICABLE ONLY TO GAS STATION)

1. Condition A.5 of Resolution R-93-11537, Petition 1987-33(B), which currently states:

**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 B 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. (DRO: COUNTY ATTY – Zoning)**

Is hereby deleted. Reason: [consolidated this condition with Condition L.3].

2. **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. (ONGOING: MONITORING - LWDD)(Previous condition K.1 of Resolution R-93-1537, Petition 1987-33(B))**
3. Previous condition K.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.** (CO: ZONING - Zoning)

Is hereby amended to read:

Prior to site plan approval by the Development Review Officer (DRO), the property owner shall enter into an agreement with the Lake Worth Drainage District (LWDD), in a manner and form acceptable to the LWDD and the DRO. The agreement shall 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. (DRO: DRO/LWDD - Zoning)

M. SIGNS

1. Freestanding point of purchase signs for the Social Security Building fronting on Congress Avenue shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side – sixty (60) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - south of the ingress/egress to the social security building,
  - f. Signs shall be limited to identification of tenant only. (CO: BLDG - Zoning)

2. Wall signs shall be limited to north and east facades of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG - Zoning)

3. Previous condition M.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only.**

Is hereby deleted. Reason: [Code requirement]

4. Previous condition M.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Code requirement]

5. Previous condition M.3 of Resolution R-93-1537, Petition 1987-33(B), which currently states:



**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.**

Is hereby deleted. Reason: [Code requirement]

6. Previous condition M.4 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**Pole signs shall be limited to fifteen feet (15') in height, with monument signs used whenever possible. (BLDG PERMIT: BLDG – Zoning)**

Is hereby deleted. Reason: [Code requirement]

7. Previous condition M.5 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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. (BLDG PERMIT: BLDG – Zoning) (Previous condition M.5 of Resolution R-93-1537, Petition 1987-33(B))**

Is hereby deleted. Reason: [Code requirement]

8. Previous condition M.6 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**No off-premise signs shall be permitted on site. (BLDG PERMIT: BLDG – Zoning) (Previous condition L.5 of Resolution R-93-1537, Petition 1987-33(B))**

Is hereby deleted. Reason: [Code requirement]

#### N. 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. (DRO: COUNTY ATTY/ENG – County Atty) (Previous condition O.1 of Resolution R-93-1537, Petition 1987-33(B))**

#### O. USE LIMITATIONS

1. Previous condition P.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**Use of the site shall be limited as follows:**

**a) Automotive service station:**

- 1) 1,034 square foot convenience store with gas sales;
- 2) 1,346 professional office; and,
- 3) 600 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.

Is hereby amended to read:

Use of the site shall be limited as follows:

- a) Automotive service station:
  - 1) 1,034 square foot convenience store with gas sales;
  - 2) 1,346 professional office; and,
  - 3) 800 square foot car wash.
- b) Government office:
  - 1) 21,500 square feet Government office (BLDG PERMIT: CODE ENF – Zoning)
- 2. Previous condition P.3 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

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

Is hereby deleted. Reason: [Not applicable]

**P. WESTGATE CRA OVERLAY DISTRICT REGULATIONS**

- 1. Previous condition Q.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Code requirement]

- 2. Previous condition Q.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Code Requirement]

**Q. VEHICLE SALES AND RENTAL**

- 1. Previous condition B.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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)**

Is hereby deleted. Reason: [Not applicable]



2. Previous condition B.3 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

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

Is hereby deleted. Reason: [Not applicable]

3. Previous condition B.4 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**No outdoor speaker or public address systems which are audible from the exterior of the building, shall be permitted on site.**

Is hereby deleted. Reason: [Not applicable]

4. Previous condition B.6 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**Vehicles on site for repairs shall not be tested off site on residential streets.**

Is hereby deleted. Reason: [Not applicable]

5. Previous condition B.7 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

6. Previous condition B.8 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

7. Previous condition B.9 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**All automotive repair uses shall be conducted entirely within enclosed buildings.**

Is hereby deleted. Reason: [Not applicable]

8. Previous condition B.10 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

9. Previous condition C.1 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

10. Previous condition C.2 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

11. Previous condition C.3 of Resolution R-93-1537, Petition 1987-33(B), which currently states:

**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.**

Is hereby deleted. Reason: [Not applicable]

#### R. 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 Article 2.E 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. (ONGOIGN: MONITORING - Zoning)