

RESOLUTION NO. R-2020- 1230

RESOLUTION APPROVING ZONING APPLICATION EAC-2020-00701
(CONTROL NO. 1987-00033)
a Development Order Amendment Expedited Application Consideration
APPLICATION OF SSAB Florida Company, LLC
BY Schmidt Nichols, 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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 27, have been satisfied;

WHEREAS, Zoning Application EAC-2020-00701 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2020;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment Expedited Application Consideration;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 EAC-2020-00701, the Application of SSAB Florida Company, LLC, by Schmidt Nichols, Agent, for a Development Order Amendment Expedited Application Consideration to amend Conditions of Approval, on a parcel of land generally described as shown on the legal description 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 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Melissa McKinlay	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 27, 2020.

Filed with the Clerk of the Board of County Commissioners on September 9th, 2020

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

LOTS 16, 17, 18, 19 AND 20; LESS THE EAST 39 FEET OF LOT 16; LESS THE WEST 10 FEET AND EAST 39 FEET OF LOTS 17 AND 18, 19 AND 20, MEERDINK'S LITTLE RANCHES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 50, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
TOGETHER WITH:

PARCEL 1:

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

PARCEL 2:

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

ALSO TOGETHER WITH:

LOTS 13, 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, LESS THE FOLLOWING:

THE EAST 15 FEET OF LOTS 13, 14 AND 15, THE NORTH 20 FEET OF LOT 13 AND THE EXTERNAL 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 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 OF FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 1655, PAGE 148, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. AND FURTHER LESS THE FOLLOWING DESCRIBED PARCEL CONVEYED TO PALM BEACH COUNTY BY CORRECTIVE RIGHT OF WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 7616, PAGE 179, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: FROM THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT, 146.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID SOUTH LINE, 24.00 FEET TO THE EXISTING WESTERLY RIGHT OF WAY LINE OF CONGRESS AVENUE, AN 80.00 FOOT RIGHT OF WAY; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY 195.03 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND WESTERLY RIGHT OF WAY OF CONGRESS AVENUE AND SOUTHWESTERLY RIGHT OF WAY OF WESTGATE AVENUE 39.27 FEET, THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE END OF SAID CURVE; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY 134.20 FEET TO THE WESTERLY LINE OF SAID LOT 13; THENCE SOUTH 02 DEGREES 48 MINUTES 36 SECONDS WEST ALONG SAID WESTERLY LINE 20.52 FEET TO A LINE 60.5 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID WESTGATE AVENUE; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID LINE 96.21 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, 56.57 FEET TO A LINE 64.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID CONGRESS AVENUE; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID LINE 159.53 FEET TO THE POINT OF BEGINNING.

TOTAL CONTAINING: 2.59 ACRES, OR 112,764 SQUARE FEET, MORE OR LESS
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY
OF RECORD.

EXHIBIT B
VICINITY SKETCH

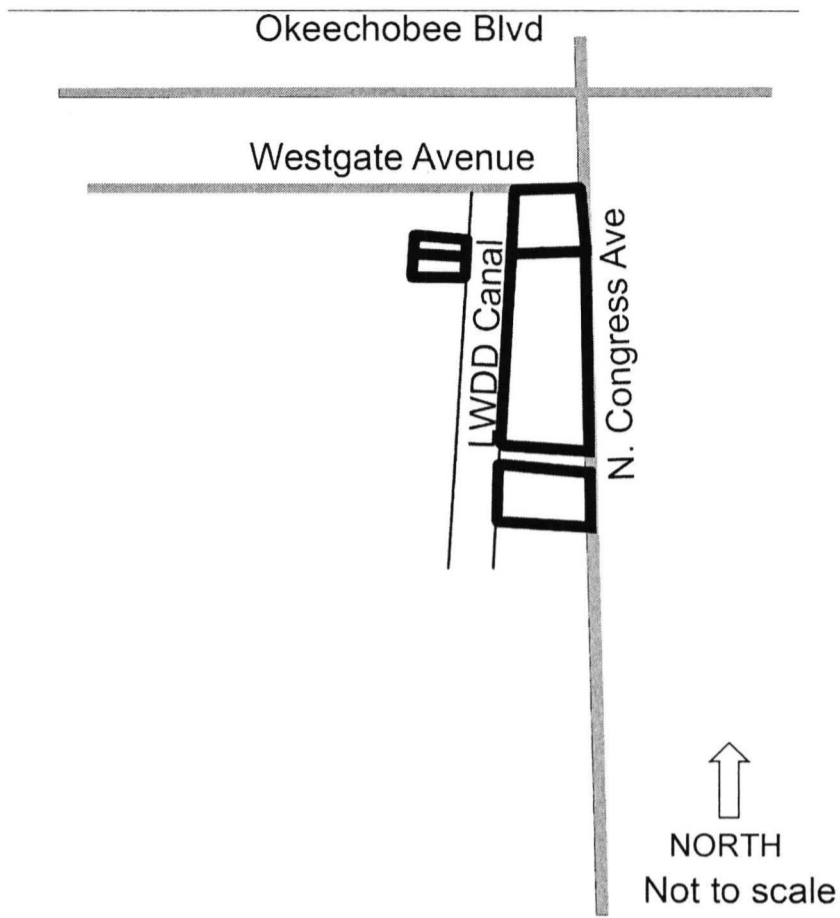


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous Condition A.1 of Resolution R-2004-1381, Control No.1987-00033, which currently states:

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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2004-1381 (Control 1987-00033), 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. 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) (Previous Condition A.2 of Resolution R-2004-1381, Control No.1987-00033)

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) [Note: COMPLETED] (Previous Condition A.3 of Resolution R-2004-1381, Control No.1987-00033)

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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous Condition B.1 of Resolution R-2004-1381, Control No.1987-00033)

2. 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. (BLDGPM: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous Condition B.4 of Resolution R-2004-1381, Control No.1987-00033)

ENGINEERING

1. Deleted per resolution R-2004-1381 (Previous Condition E.1 of Resolution R-2004-1381, Control No.1987-00033)

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. (ONGOING: ENGINEERING - Engineering) (Previous

Condition E.2 of Resolution R-2004-1381, Control No.1987-00033)

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/PMT/DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous Condition E.3 of Resolution R-2004-1381, Control No.1987-00033)

4. Deleted per resolution R-2004-1381 (Previous Condition E.4 of Resolution R-2004-1381, Control No.1987-00033)

5. Deleted per resolution R-2004-1381 (Previous Condition E.5 of Resolution R-2004-1381, Control No.1987-00033)

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: ENGINEERING - Engineering) [Note: COMPLETED] (Previous Condition E.6 of Resolution R-2004-1381, Control No.1987-00033)

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: ENGINEERING - Engineering) [Note: COMPLETED] (Previous Condition E.7 of Resolution R-2004-1381, Control No.1987-00033)

8. Previous Condition E.8 of Resolution R-2004-1381, Control No.1987-00033, which currently states:

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

Is hereby amended to read:

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 (1645 N Congress Avenue Building) 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 1645 N Congress Avenue Building. (DRO: ENGINEERING - Engineering)

9. Previous E Condition E.9 of Resolution R-2004-1381, Control No.1987-00033, which currently states:

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.

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2023, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 10 of Resolution R-2004-1381, Control No.1987-00033)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 11 of Resolution R-2004-1381, Control No.1987-00033)

12. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (Previous E Condition 12 of Resolution R-2004-1381, Control No.1987-00033)

13. The Property owner shall construct a left turn lane south approach on Congress Avenue at the project entrance.

Note: [This condition of approval may be satisfied by restriping the existing five (5) lane section to provide for an exclusive left turn lane.] (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 13 of Resolution R-2004-1381, Control No.1987-00033)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction (restriping) for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 14 of Resolution R-2004-1381, Control No.1987-00033)

ENVIRONMENTAL

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:

ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous C Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous C Condition 2 of Resolution R-2004-1381, Control No.1987-00033)

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. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-2004-1381, Control No.1987-00033)

HEALTH

1. 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 DEPARTMENT - Health Department) [Note: COMPLETED] (Previous D Condition 2 of Resolution R-2004-1381, Control No.1987-00033)

2. 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 DEPARTMENT - Health Department) [Note: COMPLETED] (Previous D Condition 3 of Resolution R-2004-1381, Control No.1987-00033)

3. 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 DEPARTMENT - Health Department) [Note: COMPLETED] (Previous D Condition 5 of Resolution R-2004-1381, Control No.1987-00033)

LAKE WORTH DRAINAGE DISTRICT (APPLICABLE ONLY TO GAS STATION)

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. (ONGOING/PLAT: MONITORING - Lake Worth Drainage District) [Note: COMPLETED] (Previous L Condition 2 of Resolution R-2004-1381, Control No.1987-00033)

2. 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 E3 1/2-8 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. (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous L Condition 3 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - GENERAL-(APPLICABLE TO THE 1645 NORTH CONGRESS AVENUE BUILDING 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. (BLDGPM: ZONING - Zoning) (Previous F Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

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: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 2 of Resolution R-2004-1381, Control No.1987-00033)

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;
- c. 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: ZONING - Zoning) (Previous F Condition 3 of Resolution R-2004-1381, Control No.1987-00033)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 4 of Resolution R-2004-1381, Control No.1987-00033)

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: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 5 of Resolution R-2004-1381, Control No.1987-00033)

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: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 6 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 500 FEET OF THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE) (APPLICABLE TO THE 1645 NORTH CONGRESS AVENUE BUILDING ONLY)

7. 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - PERIMETER-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

8. 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: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 428 FEET OF THE WEST PROPERTY LINE (APPLICABLE TO THE 1645 NORTH CONGRESS AVENUE OFFICE ONLY)

9. 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: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL) (APPLICABLE TO GAS STATION ONLY)

10. 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 DIVISION - Building Division) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EXTERIOR PERIMETER OF 0.23 ACRE PARKING AREA (APPLICABLE TO THE 1645 NORTH CONGRESS AVENUE OFFICE ONLY)

11. 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/ONGOING: ZONING - Zoning) (Previous K Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

SIGNS

- 1. Previous M Condition 1 of Resolution R-2004-1381, Control No.1987-00033, which currently states:

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.

Is hereby amended to read:

Freestanding point of purchase signs for the 1645 North Congress Avenue 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 southernmost ingress/egress,
- f. Signs shall be limited to identification of tenant only. (CO: BUILDING DIVISION - 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: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous M Condition 2 of Resolution R-2004-1381, Control No.1987-00033)

SITE DESIGN

- 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 ATTORNEY - Zoning) (Previous N Condition 1 of Resolution R-2004-1381, Control No.1987-00033)

USE LIMITATIONS

- 1. Previous O Condition 1 of Resolution R-2004-1381, Control No.1987-00033, 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) 800 square foot car wash.

- b) Government office:
1) 21,500 square feet Government office

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) 1645 North Congress Avenue: uses as allowed by the ULDC in the General Commercial Zoning District. (DRO/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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.